



Marked Agendas

Approved Minutes

Approved Reports

# PLANNING COMMISSION REPORT



Meeting Date: December 11, 2019  
General Plan Element: *Land Use*  
General Plan Goal: *Create a sense of community through land uses*

## ACTION

### Senior Living at McDowell Mountain Ranch 8-ZN-2019 & 5-AB-2019

#### Request to consider the following:

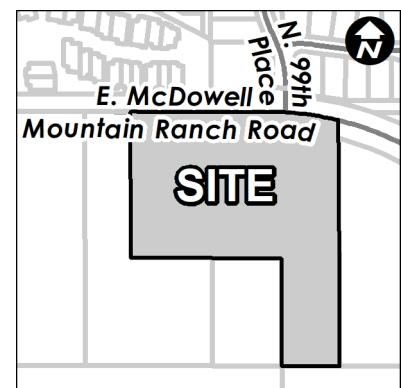
1. A recommendation to City Council regarding a request by owner for a Zoning District Map Amendment from Single-family Residential, Planned Community District, Environmentally Sensitive Lands (R1-35 PCD ESL) to Commercial Office, Planned Community District, Environmentally Sensitive Lands (C-O PCD ESL) and Development Plan amendment on a +/-5-acre site located at 9875 and 9909 E. McDowell Mountain Ranch Road (217-14-037A and 217-14-038A).
2. A recommendation to City Council regarding a request by owner to abandon the thirty-three (33) foot General Land Office Patent Easement (GLOPE) on the east side of parcel 217-14-037A, and to abandon the thirty-three (33) foot General Land Office Patent Easement on the west side, the thirty-three (33) foot General Land Office Patent Easement on the south side and the western eight (8) feet of the thirty-three (33) foot General Land Office Patent Easement on the east side of parcel 217-14-038A located at 9875 and 9909 E. McDowell Mountain Ranch Road.

#### Goal/Purpose of Request

The applicant's request is to rezone to a commercial district that allows a residential healthcare facility and to abandon some of the General Land Office Patent Easement (GLOPE) on the subject properties.

#### Key Items for Consideration

- Conformance with General Plan
- Access to the property and adjacent properties is not impacted by proposed abandonment
- This application has been revised from the proposal that was heard and recommended for denial by Planning Commission on September 25, 2019.
- Applicant requested a continuance at the October 23<sup>rd</sup> meeting.
- Lack of a quorum on November 13, 2019



- Letters of support and opposition received

## **OWNER**

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Winstar Pro  
(602) 525-2469

## **APPLICANT CONTACT**

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Michael Leary/Paul Gilbert  
480-991-1111

## **LOCATION**

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9875 E McDowell Mountain Ranch Rd. and 9909 E. McDowell Mountain Ranch Rd. (217-14-037A and 217-14-038A)

## **BACKGROUND**

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### **General Plan**

The General Plan Land Use Element designates the property as Office. This category includes a variety of office uses. This category provides strict development and landscaping requirements to ensure adjacent residential uses are protected. The proposed rezoning to Commercial Office (C-O) typically conforms with the Office designation.

### **Zoning**

The site is zoned Single-family Residential, Planned Community District, Environmentally Sensitive Lands (R1-35 PCD ESL). The Single-family zoning district(s) allow(s) for single family homes, recreational, religious and educational facilities. The subject properties were annexed in 1972 (Ordinance 645), rezoned from the County R1-35 to the Single-family zoning district (R1-35) under case 22-Z-72. In 1991, the Environmentally Sensitive Lands Overlay (ESL) rezoning was approved and included these properties. The subject properties were included in the Horseman's Park Planned Community District in 2001 (33-ZN-2000).

These cases were heard by the Planning Commission on September 25, 2019 and the Planning Commission recommended denial 6 to 0. After that hearing, the applicant amended their rezoning request by removing their request to rezone out of the Environmentally Sensitive Overlay (ESL) and amended their abandonment case to request the additional 8 feet of the eastern 33-foot-wide GLO easement on parcel 217-14-038A.

### **Context**

The subject properties are located at 9875 and 9909 E. McDowell Mountain Ranch Road. Please refer to context graphics attached.

### **Adjacent Uses and Zoning**

- North: E. McDowell Mountain Ranch Road, Horseman's Park subdivision zoned Single-family Residential, Planned Community District, Environmentally Sensitive Lands (R1-5 PCD ESL) and Graythorn Condominium development zoned Service Residential Planned Community District, Environmentally Sensitive Lands (S-R PCD ESL)
- South: Westworld zoned Western Theme Park (WP) and Arizona State Lands zoned Single-family, Environmentally Sensitive Lands (R1-35 ESL)
- East: Vacant land zoned Single-family Residential, Planned Community District, Environmentally Sensitive Lands (R1-35 PCD ESL).
- West: Westworld zoned Western Theme Park (WP)

### **General Land Office Patent Easements (general information)**

- Within the City of Scottsdale there are General Land Office (GLO) lots or parcels of various sizes created by the Federal Small Tract Act. This act was passed in 1938 and repealed in 1976.
- Most GLO lots were patented with 33-foot (or sometimes 50 foot) roadway and public utility easements typically "as near as practicable to the exterior boundaries."
- The city has viewed these patent roadway and utility easements as assured access at least until a local circulation plan is established.
- As GLO lots come in for development (i.e., lot splits, subdivisions or requesting building permits) staff requires city right-of-way dedications per city circulation plans. The city's transportation plan establishes a street system to replace the grid pattern created by the GLO easements.
- Any patent easements in excess of the current requirements to the circulation plans (including trails), roadway standards, and not required to insure access to any other lot, may be requested to be abandoned.
- On 1981, City Ordinance 1386 was adopted delegating the authority for the release of GLO easements to the Engineering Services Director.
- On March 2, 1999, the City Council repealed Ordinance 1386 and adopted Ordinance 3219 which requires the abandonment of the GLO patent roadway easements to go through the same public hearing process currently used for all rights-of-way, alleys, and roadway easements. The City Attorney's office has concluded that this process for consideration of GLO roadway abandonment satisfies legal requirements.
- On August 12, 2005, Arizona Revised Statute section 9-500.4 became effective. This section gives the local municipality the right to abandon GLO patent easements, and concurs with the city's position on abandonment of GLO patent easements.

### **Subject GLOs**

The subject 33-foot General Land Office Patent Easement(s) (GLO) located along the western, eastern and southern boundaries of 9875 & 9909 E. McDowell Mountain Ranch Road were dedicated in May and July 1954 through patent serial number(s) 1144421 and 1145658. The subject GLO roadway easements were reserved on the original patent deed to assure legal access. Currently the GLO easements are unimproved.



**Other Related Policies, References:**

Scottsdale General Plan 2001, as amended  
Scenic Roadway Designations (1-GP-2004)  
Scenic Corridor Design Guidelines (7-DR-2003)  
Zoning Ordinance  
Local Area Infrastructure Plan (LAIP)  
Transportation Master Plan

**APPLICANTS PROPOSAL**

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**Development Information**

The development proposal is to rezone for a residential healthcare facility.

- Existing Use: vacant
- Proposed Use: Residential healthcare facility
- Buildings/Description: Senior Living facility with minimal and specialized residential healthcare
- Parcel Size: Gross 5.658 acres (246,476 square feet)  
Net 5.097 acres (222,068 square feet)
- Building Height Allowed: 48 feet and 32 feet within 100 feet of a R1 District
- Building Height Proposed: 46 feet
- Parking Required: 197 spaces
- Parking Provided: 119 spaces (requesting a 40% parking reduction)
- Open Space Required: 53,296 square feet
- Open Space Provided: 85,222 square feet
- NAOS Required: 53,322 square feet
- NAOS Provided: 55,901 square feet
- Residential Healthcare Allowed: Specialized 80 beds per gross acre: 32 beds  
Minimal 40 units per gross acre: 210 units
- Residential Healthcare Proposed: 29 beds for specialized  
139 units for minimal

**IMPACT ANALYSIS**

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**Land Use**

The proposed zoning designation of Commercial Office, Planned Community District, Environmentally Sensitive Lands (C-O PCD ESL) will permit a residential healthcare facility and other commercial office uses that are not permitted in the existing Single-family zoning district. The Commercial Office zoning district is compatible with the General Plan Office land use designation.

### **Airport Vicinity**

The subject property is located within the Airport's AC-1 Influence area. Commercial uses and residential healthcare facilities are allowed, but a FAA determination on the structures and aviation easement are required.

### **Transportation/Trails**

The proposed residential healthcare facility use is anticipated to generate 340 daily vehicle trips compared to the existing single-family zoning which is anticipated at 58 daily vehicle trips based on 6 dwelling units. An office building of 58,021 square feet would generate 566 daily vehicle trips. The existing roadway network is designed to accommodate such traffic. Parking for the proposed site requires 197 spaces, 119 spaces are provided. The applicant is requesting a parking reduction for the proposed use from City Council based on their submitted parking study which concludes that the residential healthcare use generates the need for fewer parking spaces than the Zoning Ordinance requires.

The applicant is requesting abandonment of the west 8 feet of the eastern 33-foot-wide GLO. The remaining 25 feet of GLO would provide future access to the southern property from E. McDowell Mountain Ranch Road. The Transportation department has determined this is acceptable access for the property to the south.

### **Water/Sewer**

The developer is responsible for constructing new water and sewer service to serve the site, and there are not anticipated impacts.

### **Public Safety**

The nearest fire station is located at 16701 N 100<sup>th</sup> Street, approximately one mile from the site. The subject site is served by Police District 4, Beat 18. The proposed development is not anticipated to have a negative impact on public safety services.

### **Public Utilities**

The public utilities have been notified of the applicant's request. The utility companies have indicated that there are no conflicts with the proposed abandonment and support the abandonment.

### **Open Space/NAOS**

The required Natural Area Open Space (NAOS) for the subject property is 53,322 square feet. The proposed 54,391 square feet of NAOS area includes the Rio Verde canal area which is applicable for a 2:1 credit as an archaeological site. The applicant is also requesting abandoning 8 feet of the 33-foot-wide eastern GLO with a portion of this GLO to be utilized as NAOS.

The General Plan Land Use Element (Goal 3, bullet 1; Goal 7, bullet 2) intends to ensure that neighborhood edges transition to one another by considering appropriate land uses and development patterns. Furthermore, the Open Space Element (Goal 1, bullets 1, 10, 11, 14, 15, 17, 20, and 22) seeks to protect and improve the quality of Scottsdale's natural and urban environments as defined in the quality and quantity of its open spaces. To that end, the Community

Mobility Element (Goal 7, bullet 1) states that scenic corridors should be sensitively integrated, and that the integrity of this setback is preserved. More specifically, Case 1-GP-2004 identified McDowell Mountain Ranch Road as a Desert Scenic Roadway Designation within the 2001 General Plan. Desert Scenic Roadways are the one mile and half mile roads within the Environmentally Sensitive Lands Overlay that are not already designated as a Scenic Corridor or Buffered Roadway. Consequently, staff is recommending a stipulation for the applicant to provide a 20' minimum, 45' average Desert Scenic Corridor easement along McDowell Mountain Ranch Road, which aligns with both General Plan policy as well as recent approvals (23-ZN-2018 and 21-ZN-2004#2) within the context area.

### **Community Involvement**

The applicant originally mailed notification letters with the open house information to property owners within 750-feet of the subject site and a Project Under Consideration sign was posted on the site on April 27, 2019. The Open House meeting was held May 7, 2019 at McDowell Center located at 16116 N. McDowell Mountain Ranch Road. The applicant sent out notification letters to property owners within 750 feet of the site on the revised zoning application and abandonment request. The applicant's public outreach report is attached to this report.

City staff mailed postcards to property owners within 750-feet of the subject site and interested parties when the case was submitted and a second postcard notifying them of the Planning Commission hearing date, time and location. Staff has received correspondence on this case (Attachment #13). Correspondence received included concerns on the impacts on Westworld. Some of the correspondence received was regarding rezoning out of the Environmentally Sensitive Lands (ESL), but the applicant has removed that part of the request.

After the September 25, 2019 Planning Commission hearing, the applicant mailed notification letters with the revised zoning and abandonment information to property owners within 750-feet of the subject site.

On November 6, 2019, a letter from the State Lands Department was received in opposition to the abandonment of the west 13 feet of the eastern 33-foot-wide GLO on parcel 217-14-038A. Notification has not been received from the State Land Department regarding the proposal to abandon 8 feet of the GLO easement instead of 13 feet.

The applicant has posted a sign on the subject property with the hearing date, time and location.

### **STAFF RECOMMENDATION**

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#### **Recommended Approach:**

Staff recommends that the Planning Commission determine that the proposed zoning district map amendment and Development Plan amendment are consistent and conform with the adopted General Plan and make a recommendation to City Council for approval per the attached stipulations.

Staff recommends that the Planning Commission make a recommendation to City Council for approval of the following:

- to abandon the thirty-three (33) foot General Land Office Patent Easement (GLOPE) on the east side of parcel 217-14-037A;
- to abandon the thirty-three (33) foot General Land Office Patent Easement on the west side and the thirty-three (33) foot General Land Office Patent Easement on the south side of parcel 217-14-038A; and
- to abandon the western eight (8) feet of the thirty-three (33) foot General Land Office Patent Easement on the east side of parcel 217-14-038A.

Finding that the proposal is consistent with and conforms to the adopted General Plan, subject to the property owner paying compensation to the City, as determined by City Council, for the abandonment of right-of-way.

### **RESPONSIBLE DEPARTMENT(S)**

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#### **Planning and Development Services**

Current Planning Services

### **STAFF CONTACT(S)**

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Doris McClay  
Senior Planner  
480-312-4214  
E-mail: [dmccclay@ScottsdaleAZ.gov](mailto:dmccclay@ScottsdaleAZ.gov)


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## APPROVED BY

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Doris McClay, Report Author

11/24/19  
Date

  
Tim Curtis, AICP, Current Planning Director  
480-312-4210, tcurtis@scottsdaleaz.gov

11/25/2019  
Date

  
Randy Grant, Director  
Planning and Development Services  
480-312-2664, rgrant@scottsdaleaz.gov

12/3/19  
Date

## ATTACHMENTS

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1. Context Aerial
  - 1A. Aerial Close-Up
2. Context Aerial for Abandonment
3. Aerial Close-up for Abandonment
4. Stipulations
  - Exhibit A to Attachment 4: Development Plan
5. Additional Information
6. Applicant's Narrative
7. General Plan Land Use Map
8. Zoning Map
9. GLOPE Recorded Documents
10. Abandonment legal and graphic
11. NAOS Plan
12. Traffic Impact Analysis Summary
13. Citizen Involvement
14. Correspondence
15. City Notification Map





Context Aerial

8-ZN-2019

ATTACHMENT 1





Close-up Aerial

8-ZN-2019

ATTACHMENT 1A





Q.S.  
35-51

2017 GIS Orthophoto



Senior Living at McDowell Mountain Ranch

5-AB-2019

ATTACHMENT 2





**Senior Living at McDowell Mountain Ranch**

**5-AB-2019**

**Stipulations for the Zoning Application:**  
**Senior Living at McDowell Mountain Ranch**  
**Case Number: 8-ZN-2019**

These stipulations are in order to protect the public health, safety, welfare, and the City of Scottsdale.

**SITE DESIGN**

1. PROTECTION OF ARCHAEOLOGICAL RESOURCES. Any development on the property is subject to the requirements of Scottsdale Revised Code, Chapter 46, Article VI, Protection of Archaeological Resources, Section 46-134 - Discoveries of archaeological resources during construction.
2. CONFORMANCE TO CONCEPTUAL DEVELOPMENT PLAN. Development shall conform with the conceptual Development plan submitted by Ryan A+E, Inc. and with the city staff date of 8/14/19, attached as Exhibit A to Attachment #4 contingent on compliance with these stipulations including the required NAOS. Any proposed significant change to the conceptual site plan, as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
3. BUILDING HEIGHT LIMITATIONS. No building on the site shall exceed 48 feet in height, measured from existing natural grade.
4. LAND ASSEMBLAGE. Land assemblage shall be a pre-requisite of any permit issuance.
5. NATURAL AREA OPEN SPACE. Required Natural Area Open Space (NAOS) shall be a minimum of 53,322 square feet.
6. ALTERATIONS TO NATURAL WATERCOURSES. Any proposed alteration to the natural state of watercourses with a peak flow rate of 750 cfs or less based on the 100 year – 2 hour rain event shall be subject to Development Review Board approval.
7. OUTDOOR LIGHTING. The maximum height of any outdoor lighting source, except any light sources for patios and/or balconies, shall be 16 feet above the adjacent finished grade.
8. OUTDOOR LIGHTING FOR PATIOS AND BALCONIES. Light sources that are utilized to illuminate patios and/or balconies that are above 16 feet shall be subject to the approval of the Development Review Board.
9. ACCESS RESTRICTIONS. Access to the development project shall conform to the following restrictions:
  - a. There shall be a maximum of one site driveway(s) access location(s) to E McDowell Mountain Ranch Road.
  - b. The driveway access location to E. McDowell Mountain Ranch Road shall line up with the easternmost driveway from Graythorn Development to the north; APN 217-16-940.
10. PEDESTRIAN CONNECTIVITY. Prior to issuance of any permit, the owner shall provide six (6) foot sidewalk accessible pedestrian route from the main entry of the development to E. McDowell Mountain Ranch Road.



### **DEDICATIONS**

11. PUBLIC NON-MOTORIZED ACCESS EASEMENT. Prior to issuance of any permit, the owner shall dedicate a minimum five (5) foot-wide Public Non-Motorized Access Easement to the City of Scottsdale adjacent to E. McDowell Mountain Ranch Road.
12. MULTI-USE TRAIL EASEMENT. Prior to issuance of any permit, the owner shall dedicate minimum twenty (20) foot wide Public Non-Motorized Access Easement to the City of Scottsdale to contain the multi-use trail along the Verde Canal.
13. DESERT SCENIC ROADWAY SETBACKS LOCATION, EASEMENT, AND IMPROVEMENTS. Prior to issuance of any permit for the development project, the owner shall dedicate a minimum 20- foot wide and average 45-foot continuous Scenic Corridor Easement to across the lot along the E. McDowell Mountain Ranch Road front. The width of the Scenic Corridor Easement shall be measured from the right-of-way. Unless otherwise approved by the Development Review Board, the area within the Scenic Corridor Easement shall be left in a natural condition.
14. AVIGATION EASEMENT. Prior to the issuance of any permit, the owner shall dedicate an Avigation Easement, in a form acceptable to the City Attorney, or designee.

### **INFRASTRUCTURE**

15. CONSTRUCTION COMPLETED. Prior to issuance of any Certificate of Occupancy or Certification of Shell Building, whichever is first, for the development project, the owner shall complete all the infrastructure and improvements required by the Scottsdale Revised Code and these stipulations.
16. STANDARDS OF IMPROVEMENTS. All improvements (curb, gutter, sidewalk, curb ramps, driveways, pavement, concrete, water, wastewater, etc.) shall be constructed in accordance with the applicable City of Scottsdale Supplements to the Maricopa Association of Governments (MAG) Uniform Standard Specifications and Details for Public Works Construction, Maricopa Association of Governments (MAG) Uniform Standard Specifications and Details for Public Works Construction, the Design Standards and Policies Manual (DSPM), and all other applicable city codes and policies.
17. CIRCULATION IMPROVEMENTS. Prior to any permit issuance for the development project, the owner shall submit and obtain approval of construction documents to construct the following improvements:
  - a. E MCDOWELL MOUNTAIN RANCH ROAD. Full half street major Collector cross-section along site frontage including two vehicular travel lanes, bike lane, center two-way left turn lane, curb, gutter and an eight (8) foot curb separated sidewalk, which may be brought to back of curb at locations of conflict with existing headwall locations or other such permanent structures.
18. WATER AND WASTEWATER IMPROVEMENTS. The owner shall provide all water and wastewater infrastructure improvements, including any new service lines, connection, fire-hydrants, and manholes, necessary to serve the development.
19. FIRE HYDRANT. The owner shall provide fire hydrant(s) and related water infrastructure adjacent to lot, in the locations determined by the Fire Department Chief, or designee.

### **REPORTS AND STUDIES**

20. MASTER DRAINAGE PLAN. As stated in the preliminary drainage report, the development site is currently impacted by significant offsite flows and floodplain originating at the north termination of the Rio Verde Canal located near the northeast corner of the site. As such, the feasibility of the proposed drainage plan and site layout for the proposed development is dependent upon the

approval and implementation of the improvements as set forth in the proposed master drainage plan for this parcel and the two parcels to the east that will remove this off-site flow and floodplain affecting the development site. As a result, the approval of the development review case for the proposed development will be contingent upon the submission and approval of the drainage master plan and the satisfactory completion of the stipulations contained in the master drainage plan. While the drainage master plan is yet to be formally approved, the master plan will need to address the following issues which will be stipulations to the drainage plans approval:

- a. The Arizona State Land Department (ASLD) must approve the impacts to their parcel relating to the master plan.
  - b. Westworld must approve drainage-related impacts to its facilities in general including the existing maintenance facility crossing of the remnant wash including mitigation of adverse impacts to the same.
21. BASIS OF DESIGN REPORT (WATER). With the Development Review Board submittal, the owner shall submit a Final Basis of Design Report for Water for the development project in accordance with the Design Standards and Policies Manual.
  22. BASIS OF DESIGN REPORT (WASTEWATER). With the Development Review Board submittal, the owner shall submit a Final Basis of Design Report for Wastewater for the development project in accordance with the Design Standards and Policies Manual.
  23. FAA DETERMINATION. With the Development Review Board Application, the owner shall submit a copy of the FAA Determination letter on the FAA FORM 7460-1 for any proposed structures and/or appurtenances that penetrate the 100:1 slope. The elevation of the highest point of those structures, including the appurtenances, must be detailed in the FAA form 7460-1 submittal.

# Senior Living at McDowell Mountain Ranch Development Plan

EXHIBIT A TO ATTACHMENT 4

Cases 8-ZN-2019 & 5-AB-2019

***Senior Living at McDowell  
Mountain Ranch***

**9909 E. McDowell Mountain Ranch Road**

by

**SCW Holdings, LLP**

Prepared by

Michael Leary  
Michael P. Leary LTD  
10278 E. Hillery Drive  
Scottsdale, AZ 85255

May 9, 2019  
Amended July 1, 2019  
Amended July 31, 2019  
Amended October 4, 2019

## NARRATIVE

### I. INTRODUCTION

The original rezoning application was filed in May for a vacant 5-acre parcel located east of 98<sup>th</sup> Street on the southside of McDowell Mountain Ranch Road (MMRR) from R1-35 PCD ESL (Single-family Residential within a Planned Community District in Environmentally Sensitive Lands) to C-O PCD ESL (Commercial Office within a Planned Community District in Environmentally Sensitive Lands) to allow a senior care facility. Concurrent with the zoning application was a request to abandon all GLO (Government Land Office) access easements on the property.

After filing the application City Transportation staff proposed dedicating a 30' wide right-of-way and construction of a 600' long and 24' wide roadway along the eastern length of the property. Transportation staff's proposed roadway dedication resulted in the loss of 18,000 square feet of NAOS (Natural Area Open Space) required by ESL standards making the project severely deficient in meeting the minimum NAOS requirement. As the property abuts WestWorld which does not have the ESL overlay zoning, an amendment to the application was filed in August to remove the ESL overlay with the development plan remaining unchanged including the amount and location of undisturbed and revegetated landscaping.

Transportation staff has now eliminated the requirement for the roadway dedication and construction. Consequently, the project can once again meet its NAOS requirement and allow the ESL overlay zoning to be restored as originally proposed.

### II. SITE AND SURROUNDING PROPERTIES

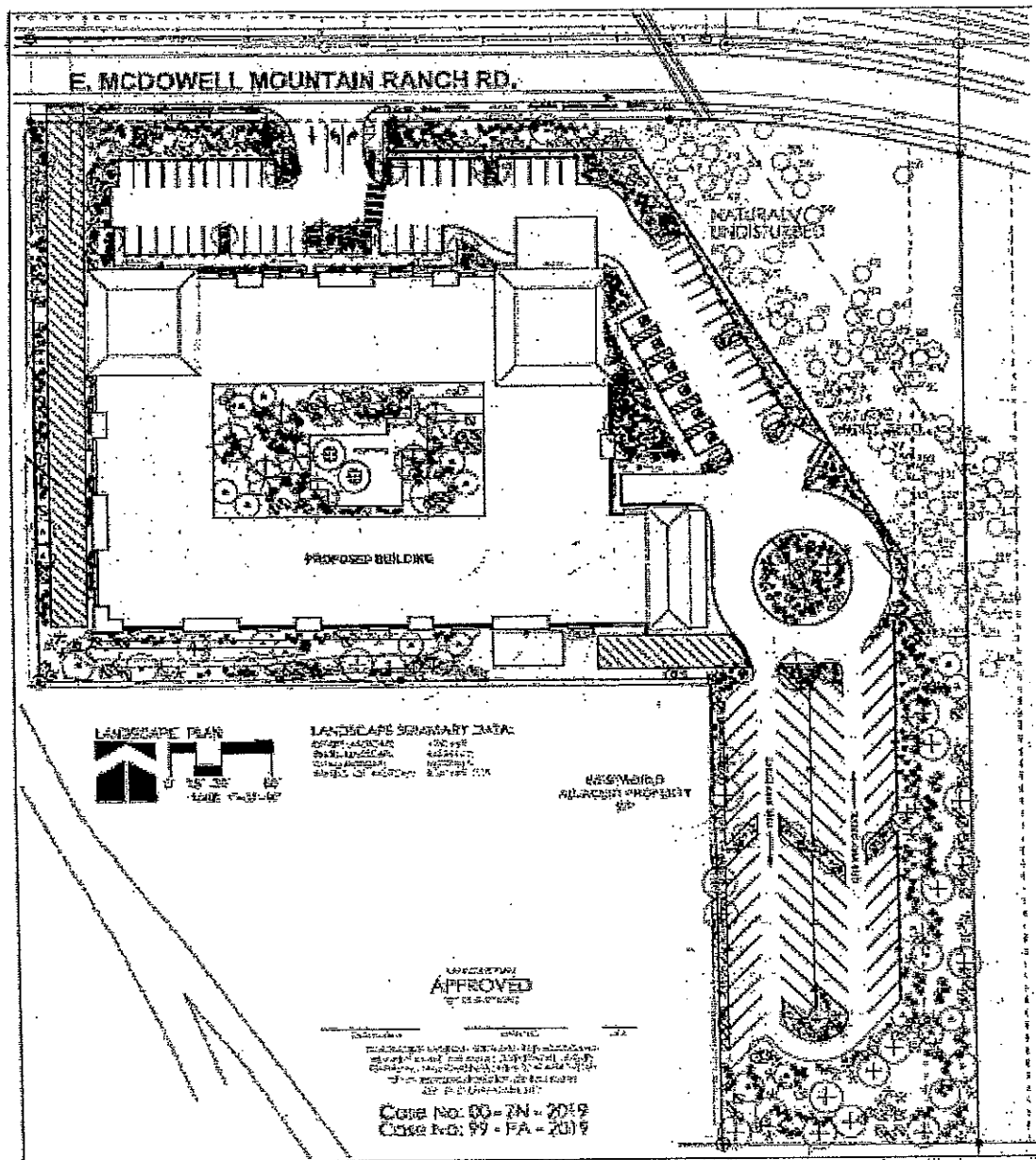
The site is an irregularly-shaped parcel backing up to the Bureau of Reclamation property that contains the large CAP drainage basins and WestWorld support facilities. North of MMRR are Graythorn condominium townhomes and Horseman's Park single-family subdivision. East of Horseman's Park to Thompson Peak Parkway (TPP) are the Kota (formerly Dakota) apartments. East of the property is a vacant 4.5-acre parcel planned for a multi-family development, a recently approved storage facility and the existing gas station at TPP.





### III. PROPOSED DEVELOPMENT

The development consists of single building with three floors (39' in height along MMRR although 48' is permitted) containing 161 units that encircle a central courtyard. The facility will have separate entrances and drop-off areas for independent/assisted and memory care. The project far exceeds ordinance requirements for total Open Space. A large triangular area at the northeast corner of the property contains a remnant of the little-known Rio Verde Canal (berm) which has been reclaimed by dense native vegetation and will be left untouched. The building design concept will incorporate a contemporary southwest theme compatible with the existing residential areas. Landscaping will consist of native desert plants and provide a dense tree screen along MMRR.





#### IV. ZONING AND GENERAL PLAN REVIEW

The property retains the County 1972 annexation R1-35 zoning (one house per acre) which was the zoning classification of most of the County north of the CAP Canal. Post annexation all the surrounding developments were rezoned to their present use. The R1-35 current zoning does NOT comply with the City's General Plan "Conceptual Land Use Map" which indicates "Office". The "Office" designation equates to the "Commercial Office (C-O)" zoning district which typically develops with multi-story offices that can generate a significant amount of traffic, noise, lighting and activity. A "residential health care facility" is also an allowed use and conversely generates minimal traffic, noise, lighting, and activity. The use is generally considered benign and compatible with both residential and non-residential areas. Furthermore, the proposed use provides greater benefits in satisfying the overall General Plan's Policies and Goals per Attachment A.

#### V. PARKING AMENDMENT

The submitted Kimley-Horn parking demand study substantiates that residential health care (congregate care) generates far fewer spaces than currently required by ordinance. Previous parking studies for other facilities in the City have reached the same conclusion and have been the basis for routine approvals of 20% reductions allowed at a staff level. However, those same studies have indicated that a significantly greater reduction is warranted. In prior discussions with staff regarding a text amendment, significantly lower parking requirements have been supported. In the absence of a text amendment the only other relief mechanism is through the City Council. Understandably most developers avoid the lengthy public hearing process to achieve reductions that reflect true demand. As the proposed Senior Living at McDowell Mountain Ranch is already in the public hearing process, requesting the parking reduction is a way to further meet many of the stated goals of the General Plan by encouraging environmentally sensitive and sustainable development that respects the desert setting by reducing solar heat gain, minimizing impervious surfaces and runoff, and utilizing best practices for smart development.

Another parking study that supports greater reductions was conducted by J2 Engineering for the Wolff Scottsdale Senior Living facility at 8225 E. Indian Bend Road. At 159 units Scottsdale's parking requirement is 1.25 spaces/unit (199 spaces) yet the parking study calculated **0.43 spaces/unit (68 spaces)** per ITE parking generation rates and other Valley cities averaging **0.48 spaces/unit (83 spaces)**. The subject project has 161 units and the City's current ordinance requirement is **1.25 spaces/unit (202 spaces)**. Prior to the City's current ratio of 1.25 spaces/unit, the zoning ordinance required a minimum of **0.75 spaces/unit (119 spaces)** which is also the ratio proposed for the project.

#### VI. GLO ABANDONMENT

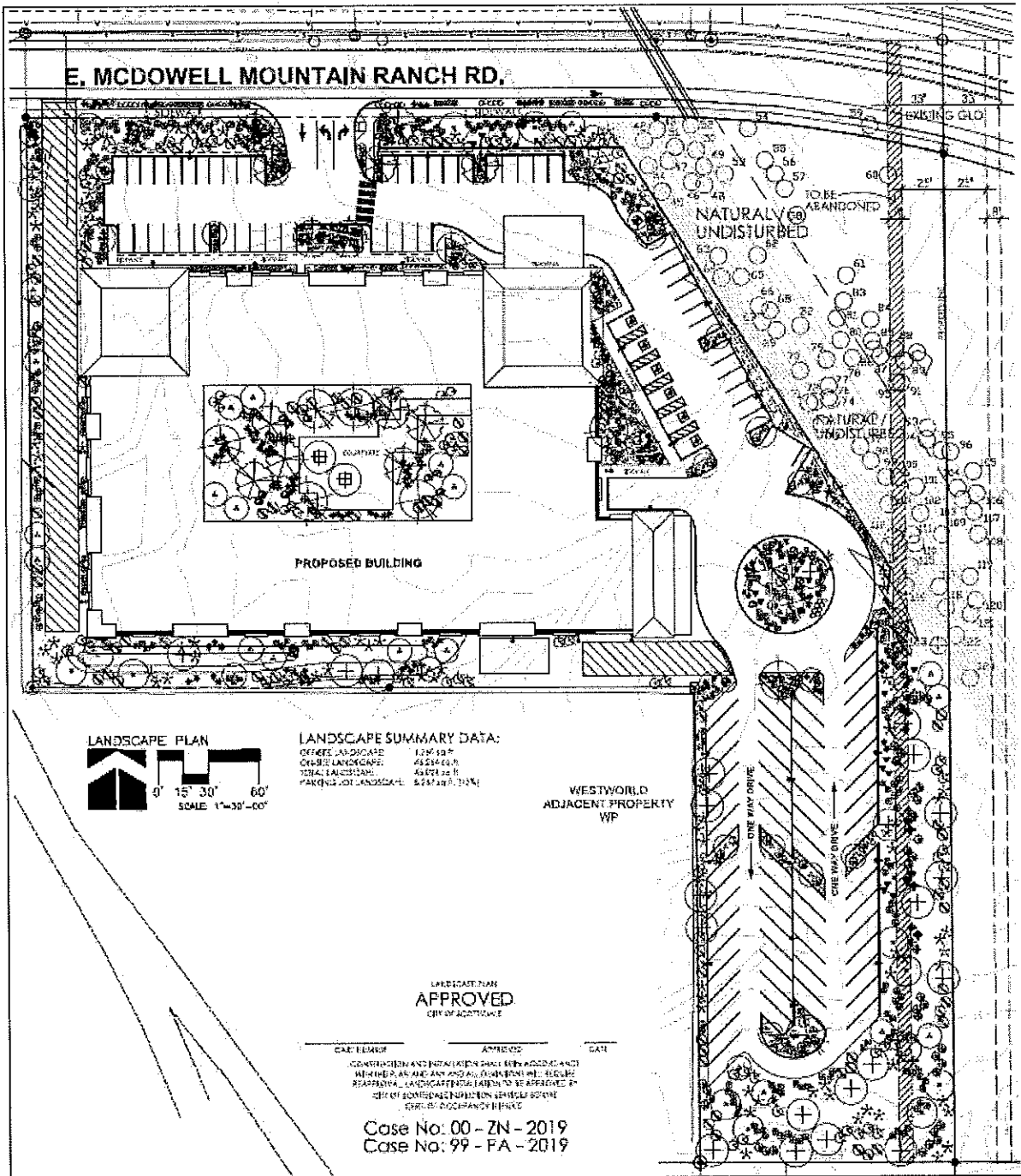
GLO easements were legal mechanisms which created right-of-way to ensure future access through, and to the interior of, lots or parcels created by the U.S. Small Tract Act of 1938, and was enacted in response to requests by primarily World War I Servicemen who wanted to move out in the desert for health and recreational purposes. The Small Tract Act was the only method of making federal land available. Local counties were enthusiastic about "getting lands on the tax rolls", and were not concerned about infrastructure (roads, water, power, schools) to support such development. Small tract land patents were granted by the General Land Office (which merged with the United States Grazing Service in 1946 to form the US Bureau of Land Management). These patents transferred property owned by the U.S. government to private ownership. The parcels were generally 5 acres in size and the Government retained 33' wide easements across the property or along the perimeter of the properties for roadways and public utilities to serve the patent properties.

Remnant GLO easements are located within the interior and along the eastern and southernmost portions of the property. A 20' portion of the eastern GLO is being maintained. GLO easements have already been administratively abandoned north of McDowell Mountain Ranch Road and east of 98<sup>th</sup> Street. Contrary to the City's current compensation policy, Arizona Revised Statutes provides per the abstract below the abandonment of GLO easements "in the same manner as other easements". Note that all other easements in the City are abandoned administratively and without compensation.

"9-500.24. Federal patent easements; city and town abandonment

A city or town, by its own motion or at the request of a property owner, may abandon a federal patent easement established by the small tract act of 1938 that the city or town determines, after notifying and obtaining the consent of all affected utilities, is not being used by the public or is no longer necessary in the same manner as other easements are abandoned."





**Additional Information for:**  
**Senior Living at McDowell Mountain Ranch**  
**Case: 8-ZN-2019**

**PLANNING/DEVELOPMENT**

1. **DEVELOPMENT CONTINGENCIES** Each element of this zoning case—including density/intensity, lot/unit placement, access and other development contingencies—may be changed as more information becomes available to address public health, safety and welfare issues related to drainage, open space, infrastructure and other requirements.
2. **DEVELOPMENT REVIEW BOARD.** The City Council directs the Development Review Board's attention to:
  - a. a plan indicating the treatment of washes and wash crossings,
  - b. wall design,
  - c. the type, height, design, and intensity of proposed lighting on the site, to ensure that it is compatible with the adjacent use,
  - d. scenic corridors and buffered parkways,
  - e. improvement plans for common open space, common buildings and/or walls, and amenities such as ramadas, landscape buffers on public and/or private property (back-of-curb to right-of-way or access easement line included).
  - f. major stormwater management systems,
  - g. alterations to natural watercourses (all watercourses with a 100 year flow of 250 cfs to 749 cfs), and
  - h. signage.
3. **RESPONSIBILITY FOR CONSTRUCTION OF INFRASTRUCTURE.** The developer shall be responsible for all improvements associated with the development or phase of the development and/or required for access or service to the development or phase of the development. Improvements shall include, but not be limited to washes, storm drains, drainage structures, water systems, sanitary sewer systems, curbs and gutters, paving, sidewalks, streetlights, street signs, and landscaping. The granting of zoning/use permit does not and shall not commit the city to provide any of these improvements.
4. **EASEMENTS DEDICATED BY PLAT.** The owner shall dedicate to the city on the final plat, all easements necessary to serve the site, in conformance with the Scottsdale Revised Code and the Design Standards and Policies Manual.
5. **EASEMENTS CONVEYED BY SEPARATE INSTRUMENT.** Prior to issuance of any building permit for the development project, each easement conveyed to the city separate from a final plat shall be conveyed by an instrument or map of dedication subject to city staff approval, and accompanied by a title policy in favor of the City, in conformance with the Design Standards and Policies Manual.
6. **FEES.** The construction of water and sewer facilities necessary to serve the site shall not be in-lieu of those fees that are applicable at the time building permits are granted. Fees shall include, but not

be limited to the water development fee, water resources development fee, water recharge fee, sewer development fee or development tax, water replenishment district charge, pump tax, or any other water, sewer, or effluent fee.

Cases 8-ZN-2019 & 5-AB-2019

***Senior Living at McDowell  
Mountain Ranch***

**9909 E. McDowell Mountain Ranch Road**

by

**SCW Holdings, LLP**

Prepared by

Michael Leary  
Michael P. Leary LTD  
10278 E. Hillery Drive  
Scottsdale, AZ 85255

May 9, 2019  
Amended July 1, 2019  
Amended July 31, 2019  
Amended October 4, 2019



## NARRATIVE

### I. INTRODUCTION

The original rezoning application was filed in May for a vacant 5-acre parcel located east of 98<sup>th</sup> Street on the southside of McDowell Mountain Ranch Road (MMRR) from R1-35 PCD ESL (Single-family Residential within a Planned Community District in Environmentally Sensitive Lands) to C-O PCD ESL (Commercial Office within a Planned Community District in Environmentally Sensitive Lands) to allow a senior care facility. Concurrent with the zoning application was a request to abandon all GLO (Government Land Office) access easements on the property.

After filing the application City Transportation staff proposed dedicating a 30' wide right-of-way and construction of a 600' long and 24' wide roadway along the eastern length of the property. Transportation staff's proposed roadway dedication resulted in the loss of 18,000 square feet of NAOS (Natural Area Open Space) required by ESL standards making the project severely deficient in meeting the minimum NAOS requirement. As the property abuts WestWorld which does not have the ESL overlay zoning, an amendment to the application was filed in August to remove the ESL overlay with the development plan remaining unchanged including the amount and location of undisturbed and revegetated landscaping.

Transportation staff has now eliminated the requirement for the roadway dedication and construction. Consequently, the project can once again meet its NAOS requirement and allow the ESL overlay zoning to be restored as originally proposed.

### II. SITE AND SURROUNDING PROPERTIES

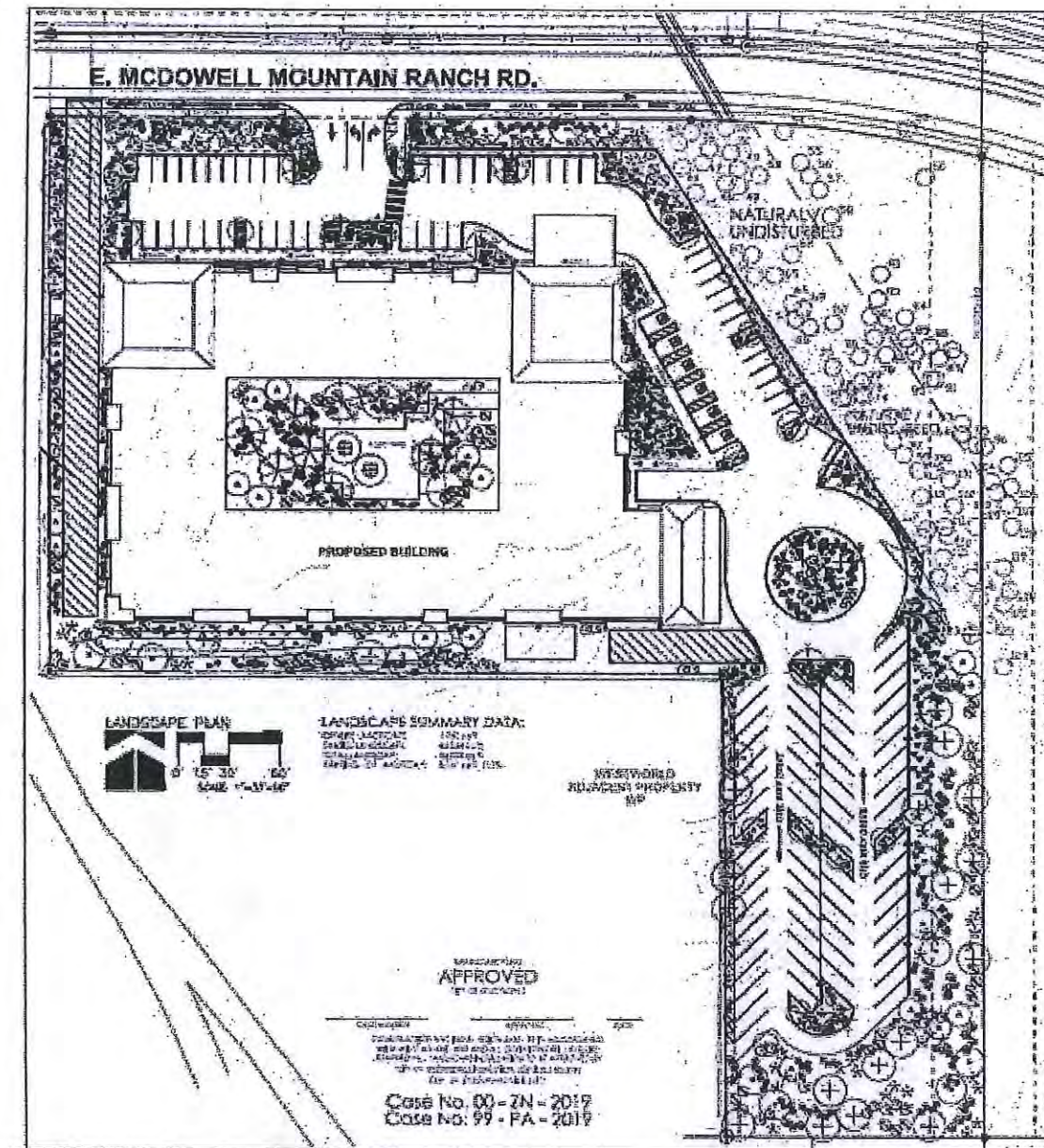
The site is an irregularly-shaped parcel backing up to the Bureau of Reclamation property that contains the large CAP drainage basins and WestWorld support facilities. North of MMRR are Graythorn condominium townhomes and Horseman's Park single-family subdivision. East of Horseman's Park to Thompson Peak Parkway (TPP) are the Kota (formerly Dakota) apartments. East of the property is a vacant 4.5-acre parcel planned for a multi-family development, a recently approved storage facility and the existing gas station at TPP.





### III. PROPOSED DEVELOPMENT

The development consists of single building with three floors (39' in height along MMRR although 48' is permitted) containing 161 units that encircle a central courtyard. The facility will have separate entrances and drop-off areas for independent/assisted and memory care. The project far exceeds ordinance requirements for total Open Space. A large triangular area at the northeast corner of the property contains a remnant of the little-known Rio Verde Canal (berm) which has been reclaimed by dense native vegetation and will be left untouched. The building design concept will incorporate a contemporary southwest theme compatible with the existing residential areas. Landscaping will consist of native desert plants and provide a dense tree screen along MMRR.



#### **IV. ZONING AND GENERAL PLAN REVIEW**

The property retains the County 1972 annexation R1-35 zoning (one house per acre) which was the zoning classification of most of the County north of the CAP Canal. Post annexation all the surrounding developments were rezoned to their present use. The R1-35 current zoning does NOT comply with the City's General Plan "Conceptual Land Use Map" which indicates "Office". The "Office" designation equates to the "Commercial Office (C-O)" zoning district which typically develops with multi-story offices that can generate a significant amount of traffic, noise, lighting and activity. A "residential health care facility" is also an allowed use and conversely generates minimal traffic, noise, lighting, and activity. The use is generally considered benign and compatible with both residential and non-residential areas. Furthermore, the proposed use provides greater benefits in satisfying the overall General Plan's Policies and Goals per Attachment A.

#### **V. PARKING AMENDMENT**

The submitted Kimley-Horn parking demand study substantiates that residential health care (congregate care) generates far fewer spaces than currently required by ordinance. Previous parking studies for other facilities in the City have reached the same conclusion and have been the basis for routine approvals of 20% reductions allowed at a staff level. However, those same studies have indicated that a significantly greater reduction is warranted. In prior discussions with staff regarding a text amendment, significantly lower parking requirements have been supported. In the absence of a text amendment the only other relief mechanism is through the City Council. Understandably most developers avoid the lengthy public hearing process to achieve reductions that reflect true demand. As the proposed Senior Living at McDowell Mountain Ranch is already in the public hearing process, requesting the parking reduction is a way to further meet many of the stated goals of the General Plan by encouraging environmentally sensitive and sustainable development that respects the desert setting by reducing solar heat gain, minimizing impervious surfaces and runoff, and utilizing best practices for smart development.

Another parking study that supports greater reductions was conducted by J2 Engineering for the Wolff Scottsdale Senior Living facility at 8225 E. Indian Bend Road. At 159 units Scottsdale's parking requirement is 1.25 spaces/unit (199 spaces) yet the parking study calculated **0.43 spaces/unit (68 spaces)** per ITE parking generation rates and other Valley cities averaging **0.48 spaces/unit (83 spaces)**. The subject project has 161 units and the City's current ordinance requirement is **1.25 spaces/unit (202 spaces)**. Prior to the City's current ratio of 1.25 spaces/unit, the zoning ordinance required a minimum of **0.75 spaces/unit (119 spaces)** which is also the ratio proposed for the project.

#### **VI. GLO ABANDONMENT**

GLO easements were legal mechanisms which created right-of-way to ensure future access through, and to the interior of, lots or parcels created by the U.S. Small Tract Act of 1938, and was enacted in response to requests by primarily World War I Servicemen who wanted to move out in the desert for health and recreational purposes. The Small Tract Act was the only method of making federal land available. Local counties were enthusiastic about "getting lands on the tax rolls", and were not concerned about infrastructure (roads, water, power, schools) to support such development. Small tract land patents were granted by the General Land Office (which merged with the United States Grazing Service in 1946 to form the US Bureau of Land Management). These patents transferred property owned by the U.S. government to private ownership. The parcels were generally 5 acres in size and the Government retained 33' wide easements across the property or along the perimeter of the properties for roadways and public utilities to serve the patent properties.

Remnant GLO easements are located within the interior and along the eastern and southernmost portions of the property. A 20' portion of the eastern GLO is being maintained. GLO easements have already been administratively abandoned north of McDowell Mountain Ranch Road and east of 98<sup>th</sup> Street. Contrary to the City's current compensation policy, Arizona Revised Statutes provides per the abstract below the abandonment of GLO easements "in the same manner as other easements". Note that all other easements in the City are abandoned administratively and without compensation.

"9-500.24. Federal patent easements; city and town abandonment

A city or town, by its own motion or at the request of a property owner, may abandon a federal patent easement established by the small tract act of 1938 that the city or town determines, after notifying and obtaining the consent of all affected utilities, is not being used by the public or is no longer necessary in the same manner as other easements are abandoned."



Senior Living at McDowell Mountain Ranch  
5-AB-2019

ABANDONMENT NARRATIVE

Amended 11.27.19

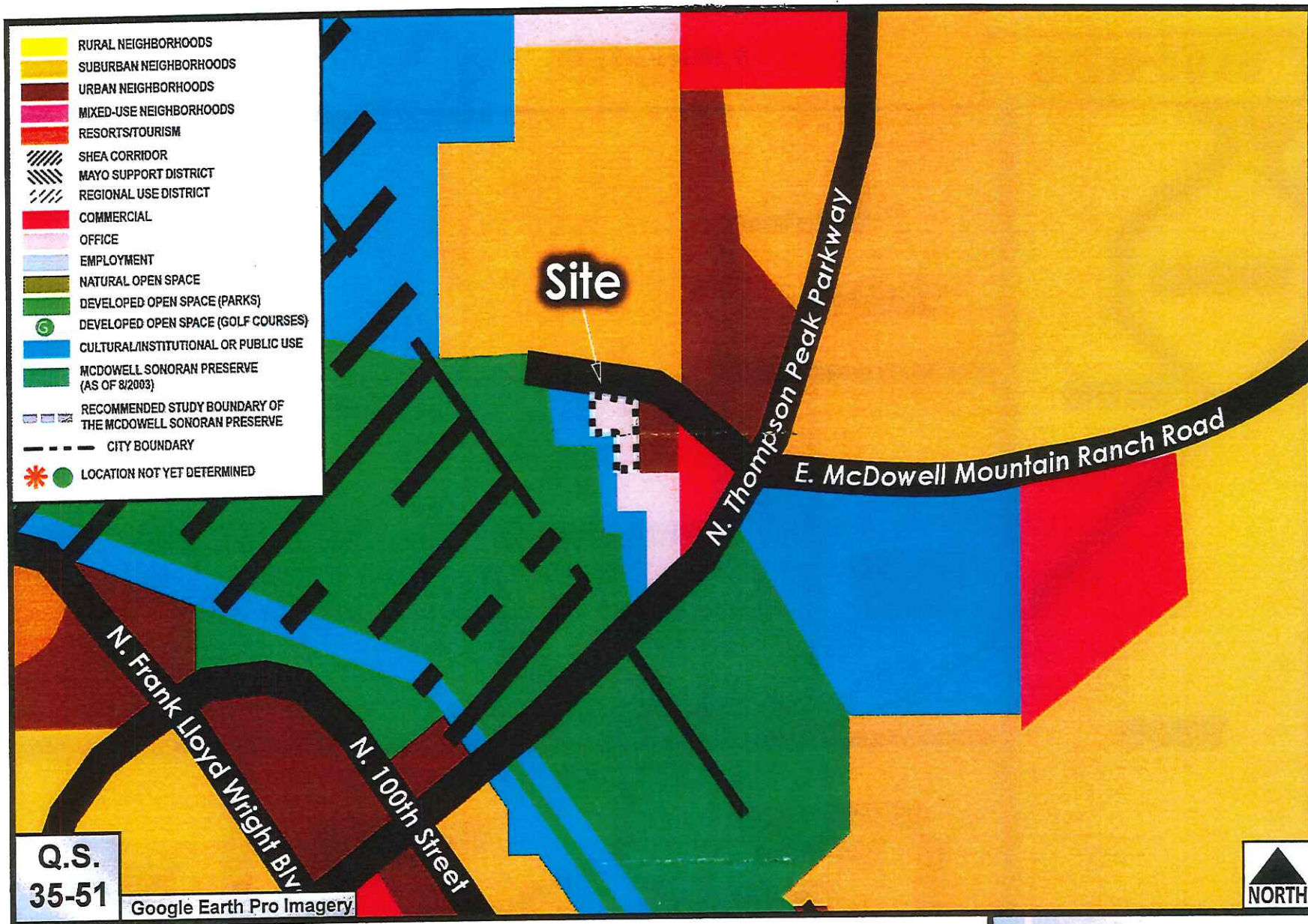
The proposal is to abandon portions of GLO easements on vacant property on the south side of McDowell Mountain Ranch Road (MMRR) east of 98<sup>th</sup> Street (9895 and 9909 E. McDowell Mountain Ranch Road). **General Land Office Easements** (also known as "government land office easements," and "GLO easements") were legal mechanisms which created right-of-way to ensure future access through, and to the interior of, lots or parcels created by the U.S. Small Tract Act of 1938, and was enacted in response to requests by primarily World War I Servicemen who wanted to move out in the desert for health and recreational purposes. The Small Tract Act was about the only method of making federal land available. Local counties were enthusiastic about "getting lands on the tax rolls", and were not concerned about infrastructure (roads, water, power, schools) to support such development. Small tract land patents were granted by the General Land Office (which merged with the United States Grazing Service in 1946 to form the US Bureau of Land Management). These patents transferred property owned by the U.S. government to private ownership. The parcels were generally 5 acres in size and the Government retained 33' wide easements along the perimeter of the properties for roadways and public utilities.

GLO easements are routinely abandoned as development occurs as City right-of-way and utilities have been installed elsewhere (e.g. McDowell Mountain Ranch Road and 98<sup>th</sup> Street). The subject property has two easement areas as shown on the graphic below.



The proposal is to abandon the entire 66-foot-wide GLO easement in the middle of the property. Based upon recent discussions with City Transportation staff, the proposal is also to abandon the westernmost 8 feet of the 33-foot-wide GLO easement along the east property line thereby retaining the easternmost 25 feet which conforms to the DSPM ESL local collector standard.



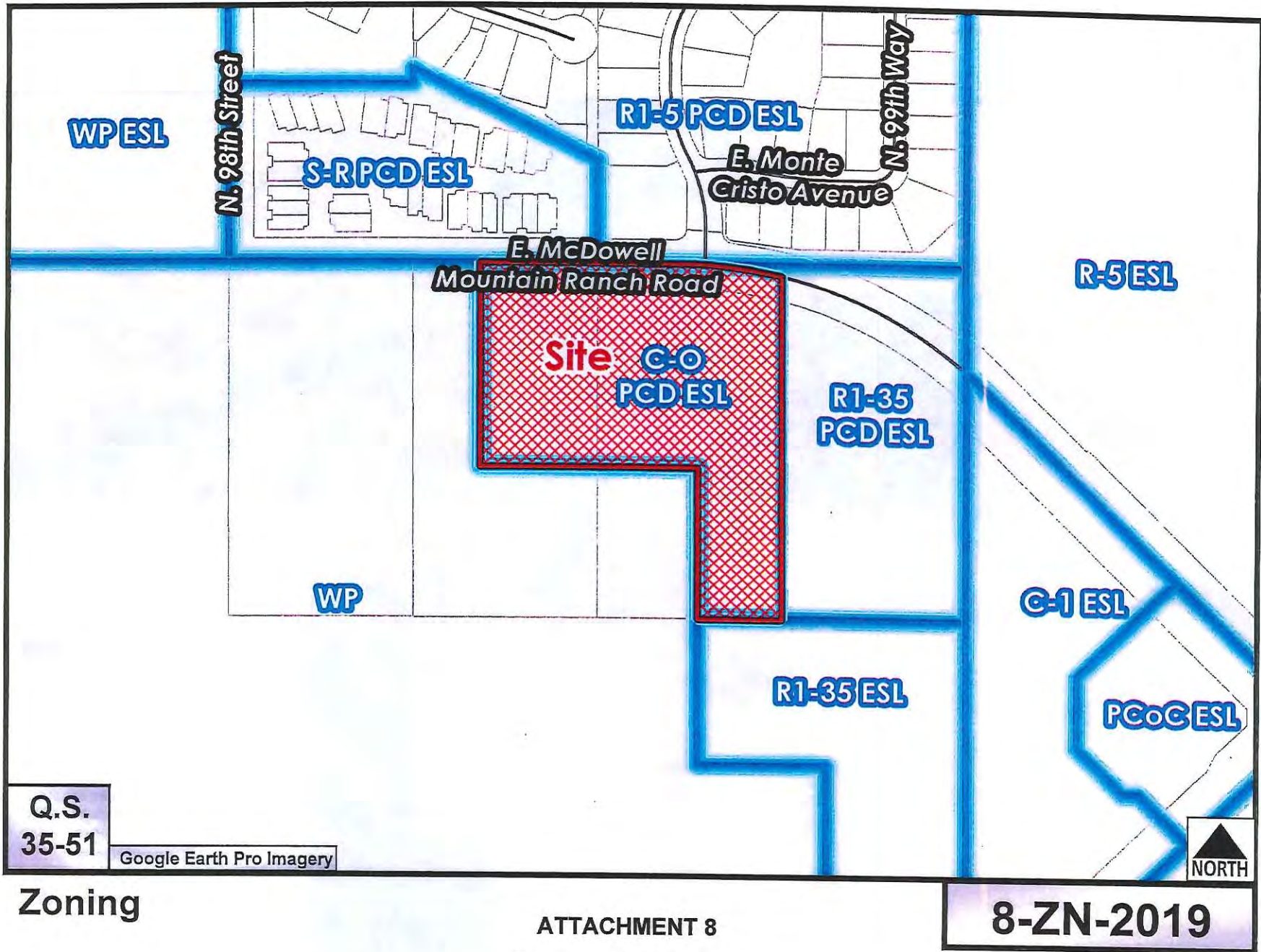


General Plan Land Use

8-ZN-2019

ATTACHMENT 7





Zoning

ATTACHMENT 8

8-ZN-2019

Phoenix 065756

# The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Land Office at Phoenix, Arizona, is now deposited in the Bureau of Land Management, whereby it appears that full payment has been made by the claimant

**Alton B. Parker,**

pursuant to the provisions of the Act of Congress approved June 1, 1938 (52 Stat. 609), entitled "An Act to provide for the purchase of public lands for home and other sites," and the acts supplemental thereto, for the following-described land:

**Gila and Salt River Meridian, Arizona.**

**T. 3 N., R. 5 E.,**

**Sec. 5, Lot 39.**

The area described contains **5** acres, according to the Official Plat of the Survey of the said Land, on file in the Bureau of Land Management:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT unto the said claimant and to the heirs of the said claimant the Tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right-of-way thereon for ditches or canals constructed by the authority of the United States. Excepting and reserving, also, to the United States, all coal, oil, gas, and other mineral deposits, in the land so patented, together with the right to prospect for, mine, and remove the same according to the provisions of said Act of June 1, 1938. This patent is subject to a right-of-way not exceeding **33** feet in width, for roadway and public utilities purposes, to be located **across said land or as near as practicable to the exterior boundaries.**

Excepting and reserving, also to the United States, pursuant to the provisions of the Act of August 1, 1946 (60 Stat. 755), all uranium, thorium, or any other material which is or may be determined to be peculiarly essential to the production of fissionable materials, whether or not of commercial value, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same.

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in the District of Columbia, the **TWENTY-**

[SEAL]

**FIRST** day of **JULY** in the year of our Lord one thousand nine hundred and **FIFTY-FOUR** and of the Independence of the United States the one hundred and **SEVENTY-NINTH.**

For the Director, Bureau of Land Management.

Patent No. **1445658**

By

*S. C. Nichols*

Chief, Patents ~~Survey~~ Unit.

Phoenix 085757

# The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Land and Survey Office at Phoenix, Arizona, is now deposited in the Bureau of Land Management, whereby it appears that full payment has been made by the claimant

**Ouy LeRoy Grippin**

pursuant to the provisions of the Act of Congress approved June 1, 1938 (52 Stat. 609), entitled "An Act to provide for the purchase of public lands for home and other sites," and the acts supplemental thereto, for the following-described land:

**Gila and Salt River Meridian, Arizona.**

**T. 3 N., R. 5 E.,**

**Sec. 5, Lot 38.**

The area described contains **5** acres, according to the Official Plat of the Survey of the said Land, on file in the Bureau of Land Management:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT unto the said claimant and to the heirs of the said claimant the Tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right-of-way thereon for ditches or canals constructed by the authority of the United States. Excepting and reserving, also, to the United States, all coal, oil, gas, and other mineral deposits, in the land so patented, together with the right to prospect for, mine, and remove the same according to the provisions of said Act of June 1, 1938. This patent is subject to a right-of-way not exceeding **33** feet in width, for roadway and public utilities purposes, to be located **across said land or as near as practicable to the exterior boundaries.**

Excepting and reserving, also to the United States, pursuant to the provisions of the Act of August 1, 1946 (60 Stat. 755), all uranium, thorium, or any other material which is or may be determined to be peculiarly essential to the production of fissionable materials, whether or not of commercial value, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same.

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in the District of Columbia, the **ELEVENTH**

[SEAL]

day of **MAY** in the year of our Lord one thousand nine hundred and **FIFTY-FOUR** and of the Independence of the United States the one hundred and **SEVENTY-EIGHTH.**

For the Director, Bureau of Land Management.

Patent No. **1144421**

By

*Rose M Beall*

Chief, Patents Section.



# EXHIBIT A

## LEGAL DESCRIPTION G.L.O. PATENT RIGHT OF WAY FOR ROADWAY AND PUBLIC UTILITIES PURPOSES ABANDONMENT

AN ABANDONMENT OF PORTIONS OF THE RIGHT OF WAY FOR ROADWAY AND PUBLIC UTILITIES PURPOSES DESCRIBED WITHIN MCR DOCKET 2904, PAGE 175, PATENT NUMBER 1144421 LOCATED IN GOVERNMENT LOT 38 OF SECTION 5, TOWNSHIP 3 NORTH, RANGE 5 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

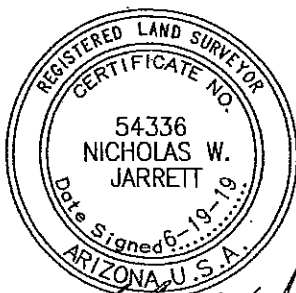
THE EAST 33.00 FEET OF SAID GOVERNMENT LOT 38.

EXCEPT THE SOUTH 280.00 FEET AND THE WEST 120.00 FEET THEREOF,

AND

EXCEPT ANY NORTHERLY PORTION BOUNDED BY THE SOUTH LINE DESCRIBED IN MCR DOCUMENT 1999-0821451.

EXHIBIT B MADE A PART BY REFERENCE HEREON



*Nicholas W. Jarrett*

ATTACHMENT 10

5-AB-2019  
07/01/2019



**LANDCOR**  
CONSULTING

6859 E. Rembrandt Ave, 124  
Mesa, AZ 85212  
Ph: (480) 223-8573  
landcorconsulting.com

DATE: 6/19/19

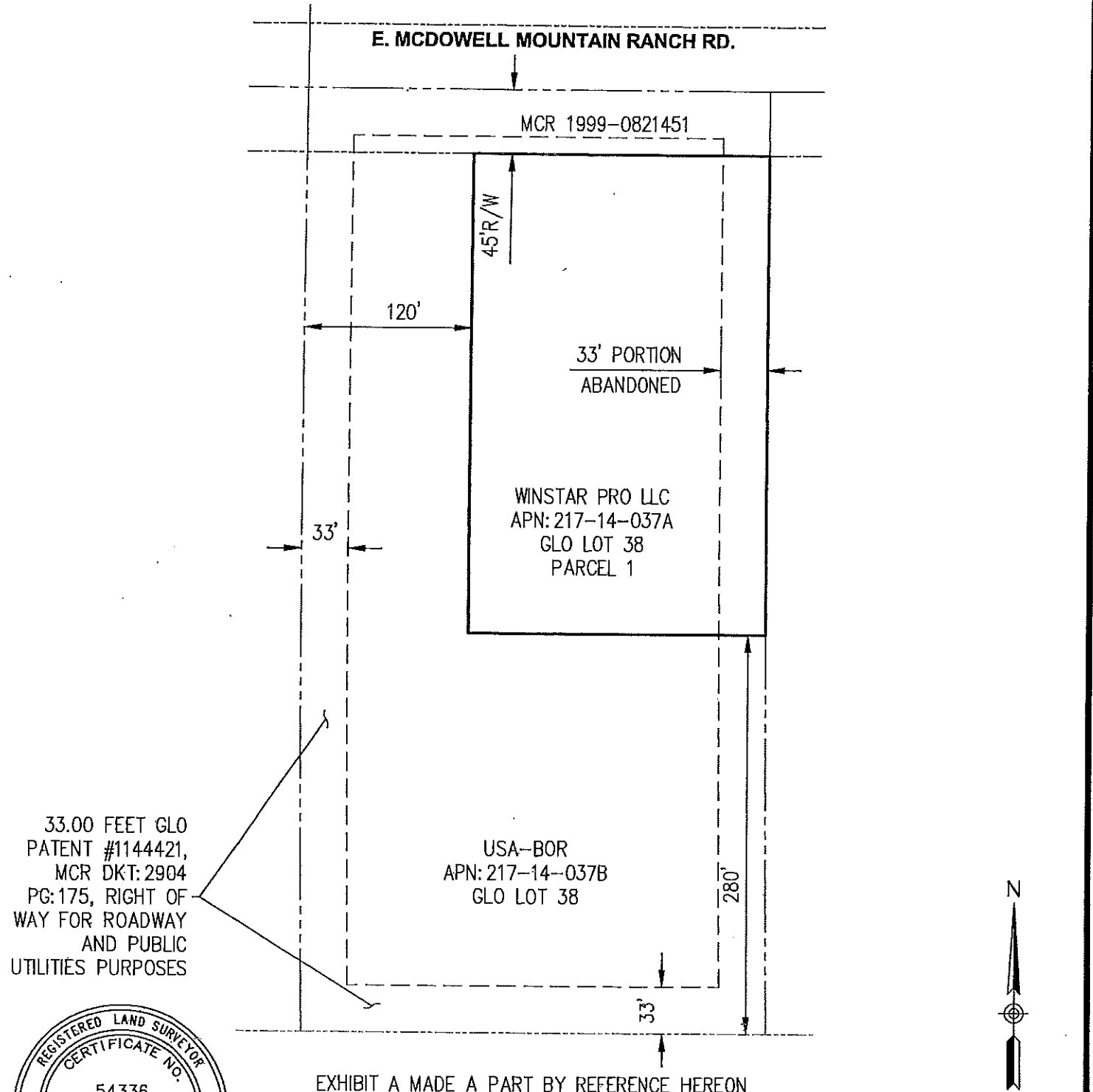
SCALE: NTS

ABANDONMENT  
EXHIBIT A

JOB NO.  
1617

# EXHIBIT B

LEGAL DESCRIPTION  
G.L.O. PATENT RIGHT OF WAY FOR ROADWAY AND PUBLIC  
UTILITIES PURPOSES ABANDONMENT



*Nicholas W. Jarrett*



6859 E. Rembrandt Ave, 124  
Mesa, AZ 85212  
Ph: (480) 223-8573  
landcorconsulting.com

DATE: 6/19/19

SCALE: NTS

ABANDONMENT  
EXHIBIT B

JOB NO.  
1617

# EXHIBIT A

LEGAL DESCRIPTION  
G.L.O. PATENT RIGHT OF WAY FOR ROADWAY AND PUBLIC  
UTILITIES PURPOSES ABANDONMENT

AN ABANDONMENT OF PORTIONS OF THE RIGHT OF WAY FOR ROADWAY AND PUBLIC UTILITIES PURPOSES DESCRIBED WITHIN MCR DOCKET 2397, PAGE 159, PATENT NUMBER 1145658 LOCATED IN GOVERNMENT LOT 39 OF SECTION 5, TOWNSHIP 3 NORTH, RANGE 5 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

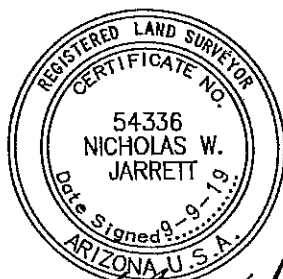
THE SOUTH 33.00 FEET, AND WEST 33.00 FEET OF SAID GOVERNMENT LOT 39.

EXCEPT THE EAST 33.00 FEET AND THE SOUTH 280.00 FEET OF THE WEST 180.00 FEET THEREOF,

AND

EXCEPT ANY NORTHERLY PORTION BOUNDED BY THE SOUTH LINE DESCRIBED IN MCR DOCUMENT 1999-0821451.

EXHIBIT B MADE A PART BY REFERENCE HEREON



*Nicholas W. Jarrett*



**LANDCOR**  
CONSULTING

6859 E. Rembrandt Ave, 124  
Mesa, AZ 85212  
Ph: (480) 223-8573  
landcorconsulting.com

DATE: 9/9/19

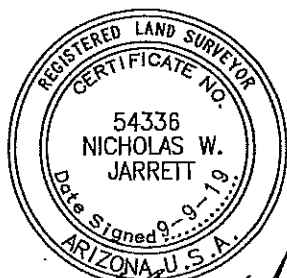
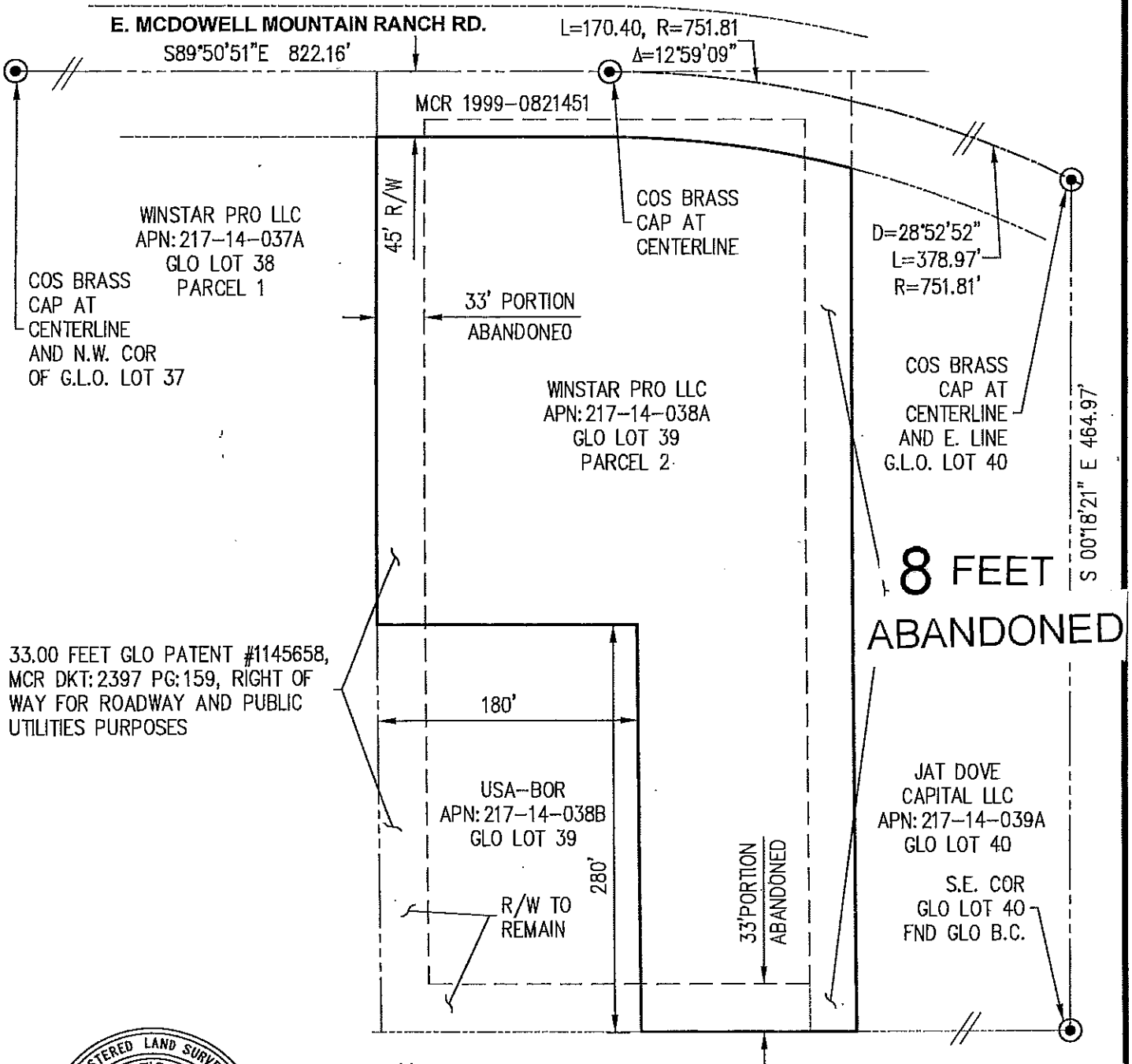
SCALE: NTS

**ABANDONMENT  
EXHIBIT A**

JOB NO.  
1617

# EXHIBIT B

LEGAL DESCRIPTION  
G.L.O. PATENT RIGHT OF WAY FOR ROADWAY AND PUBLIC  
UTILITIES PURPOSES ABANDONMENT



*Nicholas W. Jarrett*



EXHIBIT A MADE A PART BY REFERENCE HEREON



**LANDCOR**  
CONSULTING

6859 E. Rembrandt Ave, 124  
Mesa, AZ 85212  
Ph: (480) 223-8573  
landcorconsulting.com

DATE: 9/9/19

SCALE: NTS

**ABANDONMENT**  
**EXHIBIT B**

JOB NO.  
1617

# NAOS PLAN

## NAOS CALCULATIONS (ESL)

NAOS REQUIRED: (LOWER DESERT LANDFORM)

PARCEL AREA: 222,068 SF

NAOS CHANGES SITE:

20 X 55.117 = 10,423 SF  
25 X 161,724 = 40,431 SF  
30 X 8,227 = 2,501 SF  
\* TOTAL NAOS REQUIRED: 53,355 SF

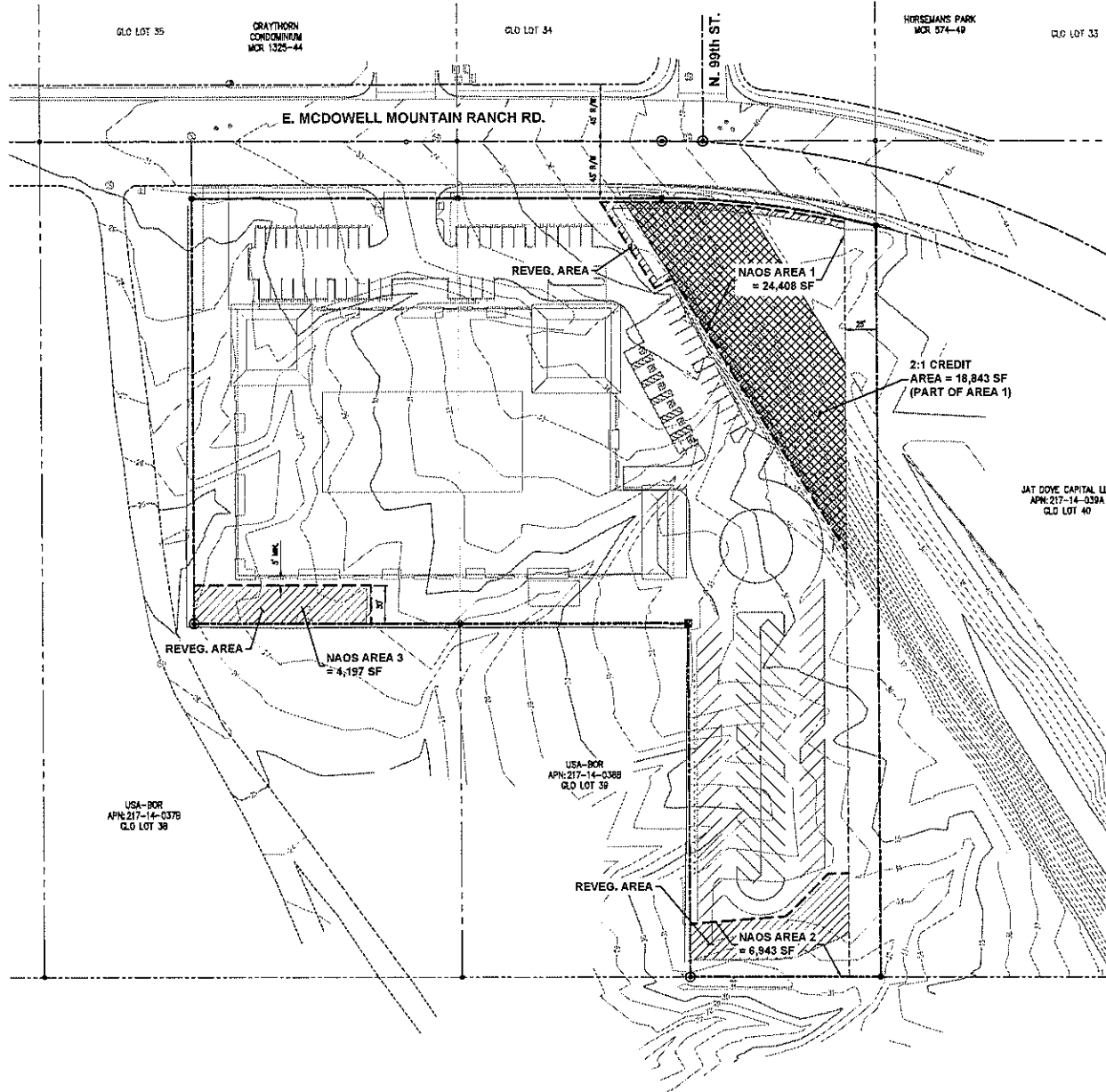
NAOS PROVIDED:

NAOS AREA 1: 24,408 SF  
NAOS AREA 1(2:1 CREDIT): 18,843 SF  
NAOS AREA 2: 6,943 SF  
NAOS AREA 3: 4,197 SF  
TOTAL NAOS PROVIDED: 54,391 SF

SURPLUS NAOS: 1,036 SF

REVEGETATED NAOS AREA: 11,332 SF (21%)  
UNDISTURBED NAOS AREA: 42,059 SF (19%)

\* NOTE: THE RED VERDE CANAL AND EXISTING WASHES WERE CONSIDERED TOPOGRAPHIC ANOMALIES FOR PURPOSES OF THIS SLOPE ANALYSIS. SLOPE ANALYSIS MEASUREMENTS ELIMINATE THE ANOMALIES FROM THE CALCULATION AND INTERPOLATE A SIMULATED NATURAL GRADE BETWEEN THE CONTOUR ON EACH SIDE OF THE ANOMALY.



RYAN A+E, INC.  
3900 E. Camelback Road, Ste 100  
Phoenix, AZ 85018  
602-422-4100 (tel)  
602-422-4300 (fax)

WWW.RYANCOMPANIES.COM

OWNER

CONSULTANTS



PROJECT INFORMATION

**Senior Living at  
McDowell Mountain  
Ranch**  
9909 East McDowell  
Mountain Ranch Road,  
Scottsdale, AZ

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer in the State of Arizona.

Wade E. Craven, P.E.

REGISTRATION NO. DATE  
33881 5/2/10

© 2010 RYAN A+E, INC.  
DRAWN BY: JCM CHECKED BY: WEC  
JOB NO.: 1617 DATE: 10/02/10

ISSUE RECORD  
ISSUE #1 DATE DESCRIPTION

**ZONING PACKAGE**

08.02.10

**NAOS PLAN**

**C5**

## 1.0 EXECUTIVE SUMMARY

### 1.1 INTRODUCTION

This report documents a traffic impact analysis performed for a proposed senior living facility located on the south side of McDowell Mountain Ranch Road at 99<sup>th</sup> Place in Scottsdale, Arizona. The site will include assisted living and congregate care facility land uses and is anticipated to be built out by 2021.

### 1.2 REPORT PURPOSE AND OBJECTIVES

Kimley-Horn and Associates, Inc., has been retained by SCW Holdings, LLP to perform the traffic impact analysis for the proposed development.

The purpose of this study is to address traffic and transportation impacts of the proposed development on surrounding streets and intersections. This traffic analysis was prepared based on criteria set forth by the City of Scottsdale Transportation Impact and Mitigation Analysis, Category II. The specific objectives of this study are:

- To evaluate lane requirements on all existing roadway links and at all existing intersections within the study area;
- To determine future level of service (LOS) for all existing intersections within the study area and recommend any capacity-related improvements;
- To determine necessary lane configurations at all new driveways within the proposed development in order to provide acceptable future levels of service;
- To evaluate the need for auxiliary lanes at all study area intersections; and
- To evaluate the need for future traffic signals.

### 1.3 PRINCIPAL FINDINGS AND RECOMMENDATIONS

The proposed development is expected to generate 340 daily trips, with 14 trips occurring in the AM peak hour and 31 trips occurring in the PM peak hour. To ensure that the estimate of the traffic impacts is the maximum that can be expected, it is assumed that the site will be 100 percent occupied upon buildout in 2021.

- The signalized intersection of Thompson Peak Parkway and McDowell Mountain Ranch Road is expected to operate at an acceptable level of service in 2021, with the exception of the southbound left-turn lane and the eastbound thru lane in the PM peak period.
- The unsignalized intersection of 98<sup>th</sup> Street and McDowell Mountain Ranch Road and the site driveways are expected to operate at an acceptable level of service in 2021.
- It is recommended that a continuous two-way left-turn lane be striped to provide access for the left turning movements into the site driveways and to maintain access to the existing private streets on the north side of McDowell Mountain Ranch Road.

- It is recommended that sight triangles be provided at all site access points to give drivers exiting the site a clear view of oncoming traffic. The landscaping within sight triangles must not obstruct drivers' views of the adjacent travel lanes. Sight distance should be provided at all street intersections and where driveways intersect with streets per Section 5-3.123 Part D of City of Scottsdale Design Standards & Policies Manual.

## 2.0 PROPOSED DEVELOPMENT

### 2.1 SITE LOCATION

The proposed development, a senior care facility, is located on the south side of McDowell Mountain Ranch Road at 99<sup>th</sup> Place in Scottsdale, Arizona. The project location is shown in **Figure 1**.

### 2.2 LAND USE AND SITE PLAN

The overall development consists of an assisted living and congregate care facility. The total site area is on approximately 5.3-acres±. **Table 1** illustrates the land use of the proposed development.

**Table 1. Land Use**

General Description	ITE Land Use	Size
Congregate Care Facility	253	139 DU's
Assisted Living	254	22 Beds

The layout of the site is illustrated in **Figure 2**.

### 2.3 SITE ACCESSIBILITY

The site is accessed locally via McDowell Mountain Ranch Road. Regional access is expected to be provided by the Pima Freeway (Loop 101) and by the other arterial streets in the vicinity such as Thompson-Peak Parkway, Bell Road and Frank Lloyd Wright Boulevard.

### 2.4 SITE CIRCULATION

The site plan is shown in previously referenced **Figure 2**. The site consists of two full access driveways. Driveway D1 is located approximately 470 feet east of 98<sup>th</sup> Street on the south side of McDowell Mountain Ranch Road. Driveway D2 aligns with an existing driveway on the north side of McDowell Mountain Ranch Road. Driveway D2 is approximately 150 feet east of Driveway D1 and approximately 620 feet east of 98<sup>th</sup> Street on the south side of McDowell Mountain Ranch Road.



## Michael P. Leary, LTD

---

10278 E. Hillery Drive  
Scottsdale, Arizona 85255

cell 480.991.1111  
michaelpleary@cox.net

DATE :        October 14, 2019

TO:            Doris McClay, Scottsdale Senior Planner

FROM:        Mike Leary

RE:            **8-ZN-2019/5-AB-29019- Citizen Review Report – Senior Living at McDowell Mountain Ranch**

Per the Citizen Review Plan, the attached informational letters were sent to 115 interested parties and property owners within 750' of the subject property. Additionally, neighbors involved in the McDowell Mountain Community Storage project located just east of the subject property were given advance notice of the proposal. The attached "Project Under Consideration" sign was erected on April 28, 2019 announcing the Open House held on May 7, 2019.

Prior to the Open House a Horseman's Park resident (involved in the storage zoning case and one of the parties who received our advance notice of this application) contacted us concerned about a 3-story building height being out of character with the area. The senior living use was not an issue. Per the attached string of emails our response has been the following: the building height would not appear as tall based upon the site being several feet lower than the homes on the north side of MMMRR; the building being lowered as much as possible into the site; the building being over 200' from the nearest Horseman's Park home; the approved storage building behind the Superpumper station being 3-stories and 34' in height; the partial screening of the building by preserving the Verde Canal; the likelihood of the vacant site to the east being developed as multi-family project up to 3-stories and 36' in height; and our proposed 3-story building being just 39' tall and not the 48' allowed by ordinance.

The day before the Open House a slew of NEXIDOOR postings was spurred by the City's incorrect online posting that our request was a Major General Plan amendment. There is NO General Plan Amendment - Major or Minor - as the request conforms to the General Plan. We posted the City's correction but postings continued nonetheless and included concerns about the lack of need for senior housing, poor building quality, traffic impact on the TPP/MMRR intersection, seniors not being able to cross the intersection, noise emanating from WestWorld, building within a flood plain, strangers from all walks of life staffing the facility, and the City granting a zoning variance without getting exactions from the developer. There were also two individuals posting support of the project and countering some of the expressed concerns. We made seven replies addressing the substantive

comments and reposted the corrected City notification letter that previously went out to property owners within 750' of the project. Due to the discussion sliding into unrelated matters and incivility, we asked that any other comments/questions/concern be handled directly with us via phone, email or in person. The string of postings is also attached, and we have not had any subsequent contact or postings.

Approximately 20 people attended the May 7th Open House which included members of the MMR Board of Directors. Typical questions included details of the project's use, building height, building design, access, lighting, and traffic. We were encouraged by the tone and demeanor of the attendees and believe that the concern expressed about the project's perceived building height will be mitigated.

The July-August issue of the McDowell Mountain Ranch Newsletter included a cover article on the proposed multi-family project on the adjoining property and incorrectly stated that our project was proposed at 48'. The actual height is 39' fronting MMRR. Correction of the building height was included the September-October newsletter.

After filing application, informational letters were sent again to the same interested parties and property owners within 750' of the subject property describing the change in the zoning request to remove the ESL overlay due to Transportation staff requiring a 30' dedication for a roadway along the eastern portion of the site for a distance of 600'. As a result of the dedication requirement, the project lost 1/3 of its NAOS area to the 30' dedication which necessitated removing the ESL overlay. As before we did not receive any neighborhood opposition as the project itself remains unchanged.

In March objections by Mr. Craig Jackson of Barrett-Jackson were made thru his consultant Mr. Jason Rose. Mr. Rose stated that Mr. Jackson was adamantly opposed to the project due to incompatibility with WestWorld operations. Mr. Rose also stated that the City was planning to acquire the subject and adjoining Thomas property as part of the Bond approval. Our offer to meet with Mr. Jackson was declined. Two days before the September 25<sup>th</sup> Planning Commission hearing, Mr. Jackson sent a letter to the Planning Commission requesting continuance or denial. We spoke again with Mr. Rose who stated that should the case be approved by the City Council, a referendum would be filed. Once again our offer to meet with Mr. Jackson was declined. At the Planning Commission hearing, there were no residents in opposition. However Mr. Rose spoke and berated the presentation, the project, the legitimacy of proposed development and the prospect of 161 more residents complaining about WestWorld operations. Planning Commissioners expressed support for the senior care use but voiced concerns about removing the ESL overlay. Consequently, the Commission voted to continue the case. As a continuance would result in the City Council hearing after the scheduled closing date, the Commission was requested to reconsider the continuance and vote instead for denial so that the case could be heard by City Council without delay. The Commission agreed to send the case to the City Council with a recommendation for denial - as we had requested.

After the Planning Commission hearing we met with City staff and the requirement for the 30' dedication was eliminated allowing us to amend the application back to what was originally submitted. We again sent out letters to residents and interested parties that the application was back to the original submittal with the ESL overlay. As before we received no response.

Attached are the following:

- : map showing the area of notification
- : list of property owners and interested parties
- : letter to property owners and interested parties
- : Community Input Certification
- : email exchanges with Horsemann's Park residents
- : NEXTDOOR postings
- : Open House attendees

# Michael P. Leary, LTD

10278 E. Hillery Drive  
Scottsdale, Arizona 85255

cell (480) 991-1111  
michaelpleary@cox.net

DATE: October 3, 2019

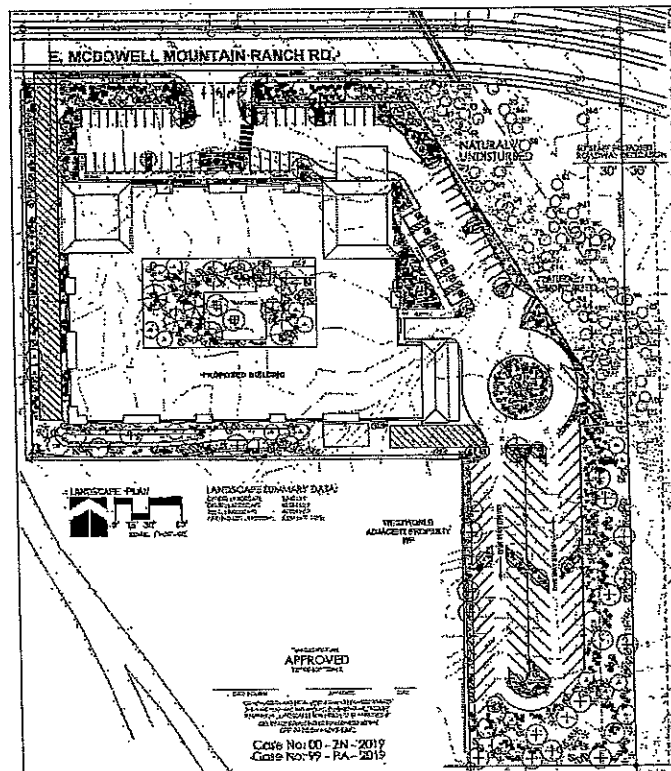
TO: Neighboring Property Owners and Interested Parties

FROM: Mike Leary, Development Consultant

RE: Senior Living at McDowell Mountain Ranch – amendment #2 to rezoning and abandonment requests

An initial letter explaining the request to rezone the subject property in conformance with the City's Comprehensive General Plan for a senior care facility was mailed to you back in late April. The formal rezoning and abandonment of excess easements were formerly filed in May. A second mailing was sent in August to amend the application solely to remove the ESL (Environmentally Sensitive Lands) overlay district due to a City staff proposed dedication of street right-of-way and construction of a roadway along our east property line from McDowell Mountain Ranch Road a distance of 600' to a parcel south of the property. City Transportation staff have relented on the dedication and construction of a roadway which has allowed us to go back to the original ESL rezoning and easement abandonment request.

Despite these amendments, there has been NO CHANGE SINCE THE ORIGINAL APPLICATION TO THE DEVELOPMENT PLAN, THE AMOUNT OF UNDISTURBED (e.g. the old Verde Canal) AREAS OR OTHER REVEGETATED AREAS as shown below:



If you should have any questions, please contact me at your convenience. You may also contact City of Scottsdale Senior Planner Doris McClay who is assigned to this project and can be reached at 480.312.4214 and [dmcclay@scottsdaleaz.gov](mailto:dmcclay@scottsdaleaz.gov). Our case number is 8-ZN-2019 and 5-AB-2019. Thank you! ML

## Michael P. Leary, LTD

---

10278 E. Hillery Drive  
Scottsdale, Arizona 85255

cell 480.991.1111  
michaelpleary@cox.net

DATE : August 14, 2019

TO: Doris McClay, Scottsdale Senior Planner

FROM: Mike Leary

RE: **8-ZN-2019/5-AB-29019 Updated Citizen Review Report -- Senior Living at McDowell Mountain Ranch**

Per the Citizen Review Plan, the attached informational letters were sent to 115 interested parties and property owners within 750' of the subject property. Additionally, parties involved in the McDowell Mountain Community Storage project located just east of the subject property were given advance notice of the proposal. The attached "Project Under Consideration" sign was erected on April 28, 2019 announcing the Open House held on May 7, 2019.

Prior to the Open House a Horseman's Park resident (involved in the storage zoning case and one of the parties who received our advance notice of this application) contacted us concerned about a 3-story building height being out of character with the area. The senior living use was not an issue. Per the attached string of emails our response has been the following: the building height would not appear as tall based upon the site being several feet lower than the homes on the north side of MMMRR; the building being lowered as much as possible into the site; the building being over 200' from the nearest Horseman's Park home; the approved storage building behind the Superpumper station being 3-stories and 34' in height; the partial screening of the building by preserving the Verde Canal; the likelihood of the vacant site to the east being developed as multi-family project up to 3-stories and 36' in height; and our proposed 3-story building being just 39' tall and not the 48' allowed by ordinance.

The day before the Open House a slew of NEXTDOOR postings was spurred by the City's incorrect online posting that our request was a Major General Plan amendment. There is NO General Plan Amendment - Major or Minor - as the request conforms to the General Plan. We posted the City's correction but postings continued nonetheless and included concerns about the lack of need for senior housing, poor building quality, traffic impact on the TPP/MMRR intersection, seniors not being able to cross the intersection, noise emanating from WestWorld, building within a flood plain, strangers from all walks of life staffing the facility, and the City granting a zoning variance without getting exactions from the developer. There were also two individuals posting support of the project and countering some of the expressed concerns. We made seven replies addressing the substantive



comments and reposted the corrected City notification letter that previously went out to property owners within 750' of the project. Due to the discussion sliding into unrelated matters and incivility, we asked that any other comments/questions/concern be handled directly with us via phone, email or in person. The string of postings is also attached, and we have not had any subsequent contact or postings.

Approximately 20 people attended the May 7th Open House which included members of the MMR Board of Directors. Typical questions included details of the project's use, building height, building design, access, lighting, and traffic. We were encouraged by the tone and demeanor of the attendees and believe that the concern expressed about the project's perceived building height will be mitigated.

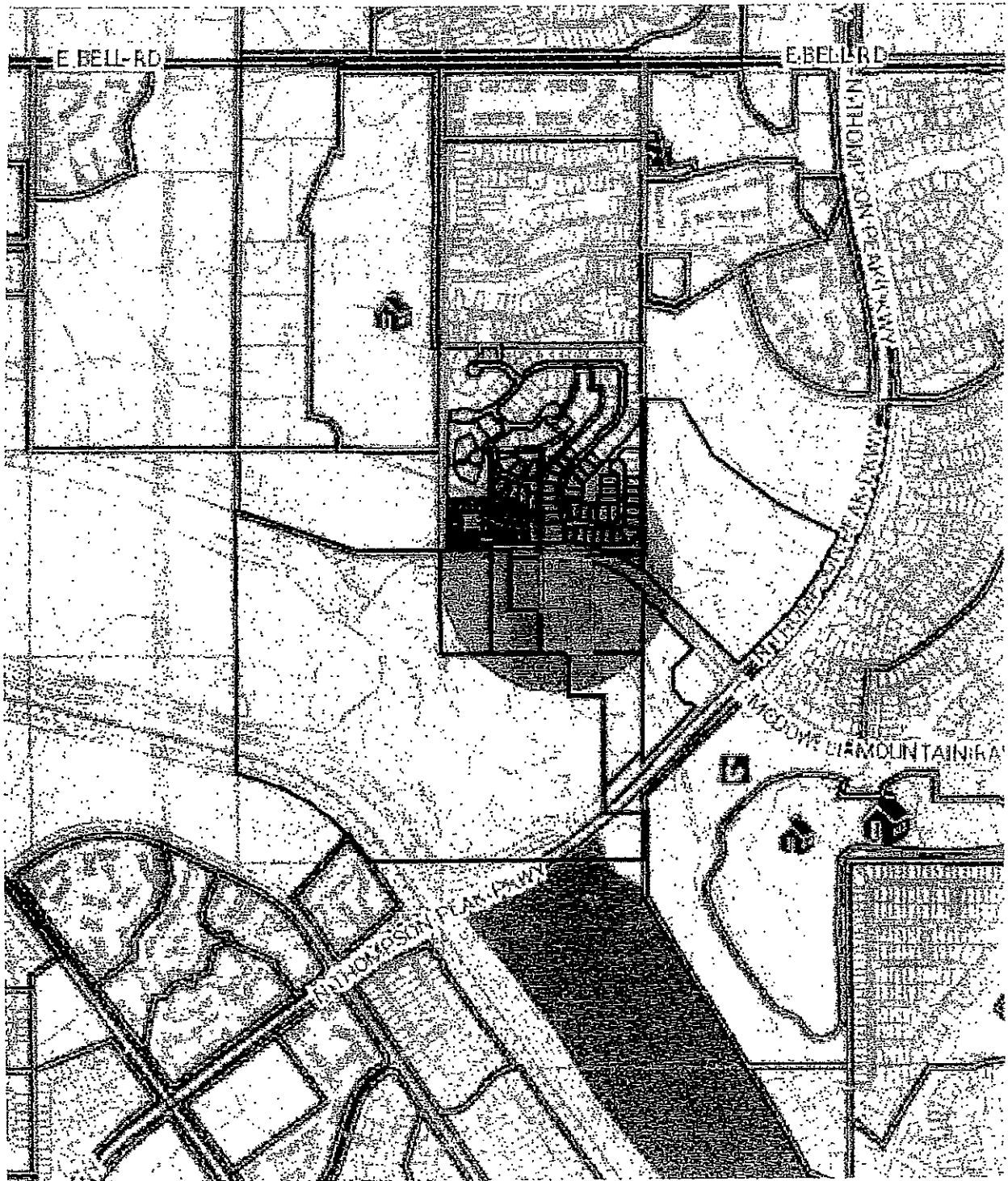
The July-August issue of the McDowell Mountain Ranch Newsletter included a cover article on the proposed multi-family project on the adjoining property and incorrectly stated that our project was proposed at 48'. The actual proposed height is 39'. We notified the Newsletter publisher and requested a correction on next issue.

A letter explaining the modification to the application by removal of ESL overlay zoning was mailed out to the same 750' property owners and interested parties as the initial notification letter per the attached.

We are continuing discussions with the Horseman's Park resident and will continue to encourage and respond to questions/comments/concerns throughout the entire public hearing process. The Citizen Review Report will be updated as needed prior to the Planning Commission and City Council hearings.

#### Attachments

- : Map showing the area of notification
- : List of property owners with the notification area and interested parties
- : Letter to property owners and interested parties
- : Affidavit of posting
- : Community Input Certification
- : Email exchanges with Horseman's Park residents
- : NEXTDOOR postings
- : Open House attendees
- : Letter to property owners within the notification area and interested parties



750' NOTIFICATION AREA

# Michael P. Leary, LTD

---

10278 E. Hillery Drive  
Scottsdale, Arizona 85255

Cell (480) 991-1111  
michaelpleary@cox.net

DATE: April 26, 2019

TO: Neighboring Property Owners and Interested Parties

FROM: Mike Leary, Development Consultant

RE: Senior Living at McDowell Mountain Ranch

A senior care facility comprising independent living, assisted living and memory care is proposed on a 5-acre vacant property on the south side of McDowell Mountain Ranch Road just west of 99<sup>th</sup> Place. The site backs up to the blighted Bureau of Reclamation property that contains the large drainage basins and WestWorld support facilities. As such the proposed development will provide a buffer for the residential developments north of McDowell Mountain Ranch Road and the existing and future facilities/activities within the Bureau property. Enclosed is our preliminary site plan and conceptual building design.

Historically, the property retains the County 1972 annexation R1-35 zoning (one house per acre) which was the zoning classification of most of the County north of the CAP Canal. Post annexation all the surrounding developments that now exist were subsequently rezoned. The current zoning does NOT comply with the enclosed City's General Plan "Conceptual Land Use Map" which indicates "Office". The "Office" designation equates to the "Commercial Office (C-O)" zoning district which typically develops with multi-story offices that can generate a significant amount of traffic, noise, lighting and activity. However, a "residential health care facility" is also an allowed use and generates conversely minimal traffic, noise, lighting, and activity. The use is generally considered benign and compatible with both residential and non-residential areas. Common questions which are raised with rezoning requests and this use specifically are:

*Can the City Council restrict the use of the property to just the senior living facility?* Although the legal answer is governing bodies are precluded from limiting rezonings to specific uses, the City achieves that goal by stipulating conformance to specific development plans which by their nature are use-specific and not convertible to other uses. If the stipulated development plans were subsequently proposed to be altered, an amendment would be required to go through the same Planning Commission and City Council public hearing process.

*Will development adhere to the "dark sky" policy?* Yes, lighting will be limited in number, lumen, and location to minimize total light emanation. Lighting will also be tightly controlled along the street frontage to preclude off-site light spill.

*Will ambulances be using sirens to transport residents?* The facility does not provide nursing care and the residents are ambulatory. As a matter of policy and practice, ambulances do not utilize sirens in residential areas.

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As an interested party or property owner within 750' of the property, you are receiving this notification as part of the City's Public Outreach and Input process. Accordingly, we are also hosting an "Open House" from 6:00 pm to 7:30 pm on Tuesday May 7th at the McDowell Center located at 16116 N. McDowell Mountain Ranch Rd., Scottsdale, AZ 85255.

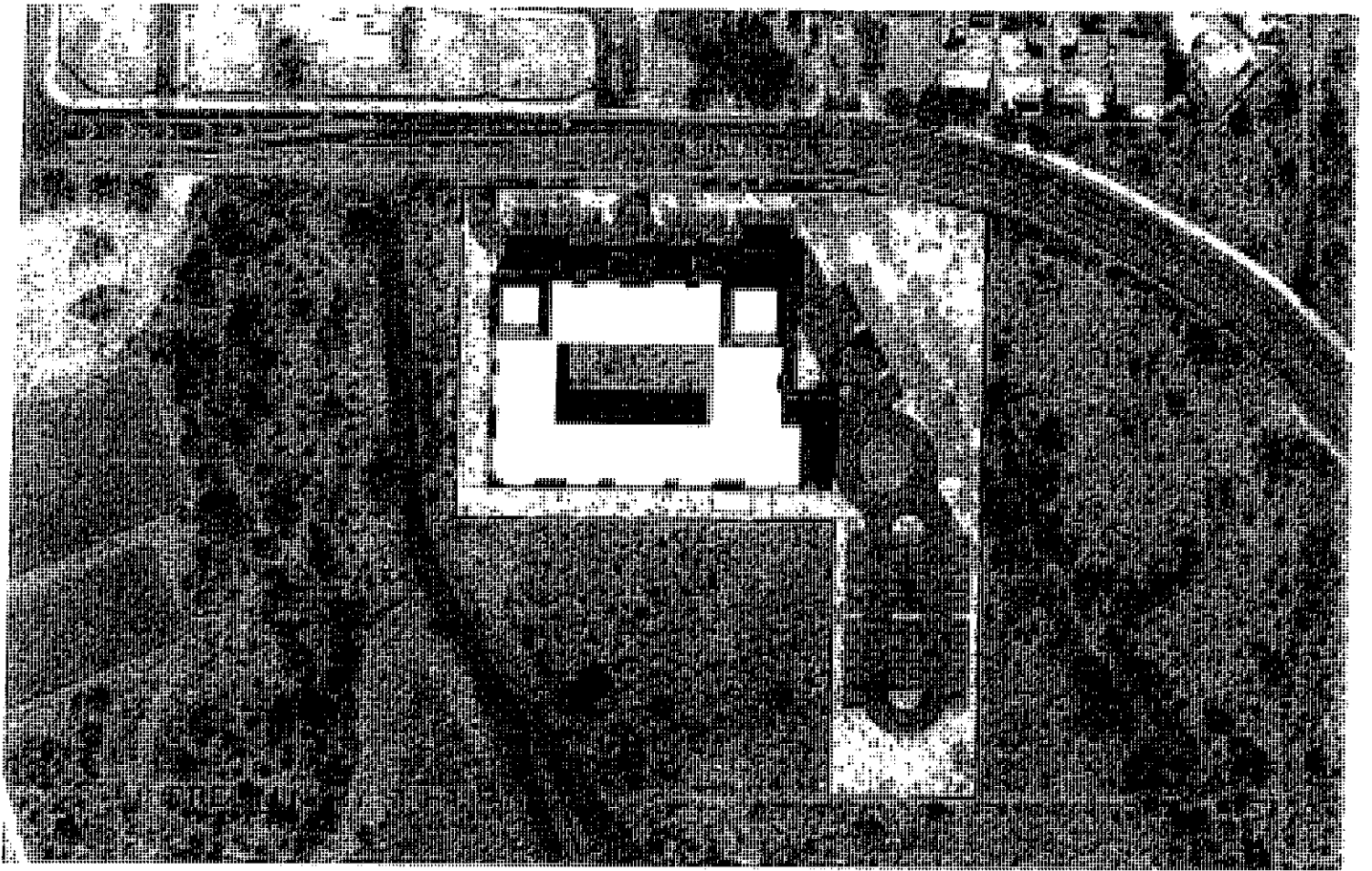
We hope to subsequently file a formal application with the City to change the zoning from R1-35 PCD ESL (Single-family Residential within a Planned Community District in Environmentally Sensitive Lands) to C-O PCD ESL (Commercial Office within a Planned Community District in Environmentally Sensitive Lands) to allow the proposed senior living development. Immediately after filing the application, you will be receiving a postcard from the City notifying you of the application submittal.

If you should have any questions, please contact me at your convenience. You may also contact City of Scottsdale Senior Planner Doris McClay who is assigned to this project and can be reached at 480.312.4214 and [dmccclay@scottsdaleaz.gov](mailto:dmccclay@scottsdaleaz.gov). Our preliminary application case number is 99-PA-2019.

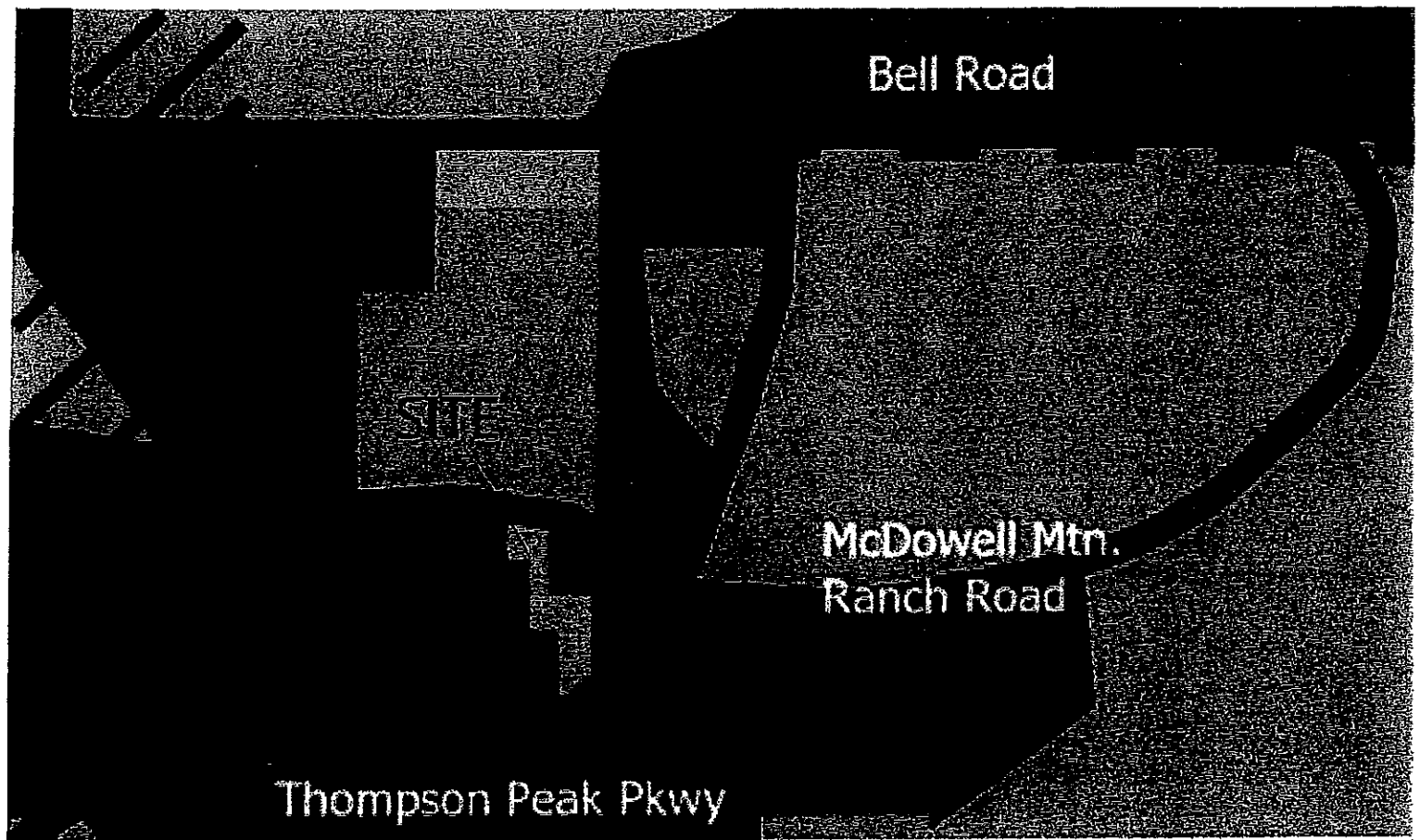
**Thank you! ML**

enclosure

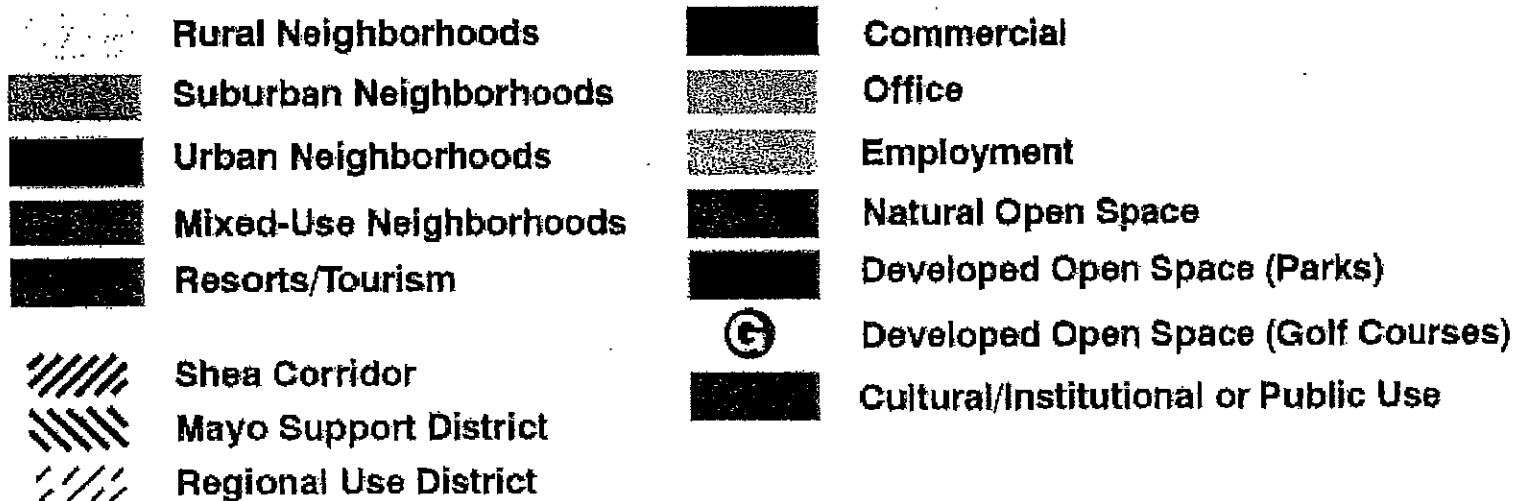




SENIOR LIVING AT MCDOWELL MOUNTAIN RANCH



## Conceptual Land Use Map





## Email exchanges with Horseman's Park neighbors thru 05.07.19

**From:** Ed Grant IV <egrant4@simaz.com>

**Sent:** Tuesday, May 7, 2019 4:11 PM

**To:** mike leary

**Cc:** mafoster272@gmail.com; eric.e.bjorkman@intel.com; cthorpe@righthonda.com; McClay, Doris

**Subject:** Re: Proposed Senior Living at McDowell Mountain Ranch

Thanks Mike. We'll see you at the open house tonight and can discuss further.

We would appreciate your client preparing an exhibit of showing how the proposed development will impact the southern view corridor from the homes that back to MMR Road. Craig Thorpe (on this e-mail) owns one of those homes for reference. In the past, they've taken the vantage point of a 6 foot individual sanding in the back yard and looking toward the development. While I do appreciate the comparison to Kota, again, I would offer that is different given that Kota fronts TPP. I'll check the streets map, but I believe TPP is a Minor Arterial and MMR is just a collector.

As for the Avondale comment, I'm not sure what else to tell you. I looked at another property today in Glendale and observed the same phenomenon. (GP designation is high-density residential, zoning is for retail and industrial.) Again, it's a tactic utilized by the City generally to make sure that the developer integrates with what surrounds the area.

See you later this evening.

Ed

**From:** mike leary <outlook\_59CA1EDED17AAFFC@outlook.com> on behalf of mike leary <michaelpleary@cox.net>

**Date:** Tuesday, May 7, 2019 at 3:04 PM

**To:** Ed Grant <egrant4@simaz.com>

**Cc:** "mafoster272@gmail.com" <mafoster272@gmail.com>, "eric.e.bjorkman@intel.com" <eric.e.bjorkman@intel.com>, "cthorpe@righthonda.com" <cthorpe@righthonda.com>, "McClay, Doris" <DMcClay@scottsdaleaz.gov>

**Subject:** Re: Proposed Senior Living at McDowell Mountain Ranch

*Ed and Eric again I'm sorry that I couldn't get back to you immediately but here's some scoop I found.*

*As to the building height, the preliminary plans show a height of around 40' but the building is lower than the adjoining street. As the site is sloping south away from the street, the building finish floor elevation (FFE) will be approximately 10' below the FFE of the townhomes (actually condos). That 10' differential should lower the perceived height substantially. By contrast the Kota apartments are 32' 6" in height and like Horseman's Park and Graythorn may appear taller as they are on the high side of the slope. From a top-of-building elevation standpoint, the project should end up lower than KOTA - one of the benefits of being on the low side of a slope.*



*On the annexation, geez I would think Avondale has a problem by down-zoning property without property owner permission. I believe it's in conflict with Arizona State Statutes which precludes the diminishment of value without compensation. What I do know is when Scottsdale annexed County properties in the 70's and 80's when I was a City Planner, the comparable Scottsdale zoning designation was used exclusively - no up-zoning or down-zoning.*

*Hope this helps. ML*

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**From:** Ed Grant IV <egrant4@simaz.com>  
**Sent:** Wednesday, May 1, 2019 8:21 PM  
**To:** mike leary  
**Cc:** mafoster272@gmail.com; eric.e.bjorkman@intel.com; cthorpe@righthonda.com; McClay, Doris  
**Subject:** Re: Proposed Senior Living at McDowell Mountain Ranch

Thanks Mike. Please see below in blue.

**From:** mike leary <outlook\_59CA1EDED17AAFFC@outlook.com> on behalf of mike leary <michaelpleary@cox.net>  
**Date:** Monday, April 29, 2019 at 12:54 PM  
**To:** Ed Grant <egrant4@simaz.com>, mike leary <michaelpleary@cox.net>  
**Cc:** "mafoster272@gmail.com" <mafoster272@gmail.com>, "eric.e.bjorkman@intel.com" <eric.e.bjorkman@intel.com>, "cthorpe@righthonda.com" <cthorpe@righthonda.com>, "McClay, Doris" <DMcClay@scottsdaleaz.gov>  
**Subject:** Re: Proposed Senior Living at McDowell Mountain Ranch

Ed thanks for the quick reply.

*1. The building is indeed three floors and the permitted height by right is 48' but would expect the building height to be several feet lower. Also, the grade on the northside of MMR is higher than the south. I'm not sure that the character of the area is well-defined with the mix of one-story townhomes, one-and two-story single-family residences and two-story apartments. The storage facility was approved with both two-story and three-story components. The rendering is concept at this stage and the design hasn't been fleshed out as of yet.* I respectfully disagree with you...the character is actually quite well-defined. Property that fronts TPP and the gas station has the height, and what's west of that does not. In addition, the storage facility does not have people living in the top of the facility...this facility will have that. And to your point on defining the mix in the area, an out-of-place building (in terms of height) would define this area in a manner that's inconsistent with existing conditions. I'm sorry, but this is something I'm going to have to insist on at this point for me to support the project. Looking forward to discussing further.

*2. Past annexations in Scottsdale and elsewhere incorporated County zoning to the nearest city classification for pure simplicity. City Land Use Plans were then subsequently developed and the basis for granting changes in land use. More of a 1-2-3- process. We are willing and expect tight stip that reflect what we are proposing. Like the storage facility, we keep our word. I'm dealing with an annexation in Avondale now where the City intentionally gave an underlying zoning classification that conflicts with the GP designation in order to force the developer to play ball with the City. This is generally done to ensure that the City gets what they want, and it's something that fits with the surrounding area.*

- *3. We clearly believe that the proposed use will be more compatible and acceptable to the residents than office or other C-O permitted uses. The parcel in between George Bell's storage facility and ours has been separately owned for decades by the Thomas family. There have been discussions about development of their property, but I haven't seen anything yet. The Thomas property and our property will be the last parcels to develop on MMRR and I think in the general area. Heights, densities, etc. being equal, I agree with you.*
- *We are constantly looking for ways to mitigate potential neighborhood concerns. The original plan had our main driveway aligned with your entry at 99th Place to comply with the City's driveway spacing and alignment criteria. We have now proposed the location further west aligning with the townhome driveway as there will be less traffic coming from the small TH project than Horseman's Park. This change is subject to Transportation Department's review which we believe they'll support. Understood.*

---

**From:** Ed Grant IV <egrant4@simaz.com>

**Sent:** Monday, April 29, 2019 8:59 AM

**To:** mike leary

**Cc:** mafoster272@gmail.com; eric.e.bjorkman@intel.com; cthorpe@righthonda.com; McClay, Doris

**Subject:** Re: Proposed Senior Living at McDowell Mountain Ranch

Thanks Mike. Really appreciate the heads up. I had heard through the grapevine this was coming, so we appreciate being engaged early on in the process to discuss.

A few questions/thoughts for you...

1. What's the permitted height by right? Renderings look to be 3 stories-ish, which is way out of character for the area. Please confirm if you would.
2. I see your mention of the underlying zoning not complying with the GP map, but, as you know, that's a tactic cities frequently employ at annexation to force a GP and/or rezoning. As was the case with the storage facility, we'll look for tight stip and a site plan that conforms with what we're told will develop.
3. Notwithstanding the height comment above, the proposed use would seemingly be more compatible than office. Does your owner own the parcel west and in between the storage

facility and this? I think it's the same applicant as the storage facility, no? Any plans for the donut hole in between?

Thanks Mike!

Ed

**From:** mike leary <outlook\_59CA1EDED17AAFFC@outlook.com> on behalf of mike leary <michaelpleary@cox.net>

**Date:** Saturday, April 27, 2019 at 6:26 PM

**To:** Ed Grant <egrant4@simaz.com>

**Cc:** "mafoster272@gmail.com" <mafoster272@gmail.com>, "eric.e.bjorkman@intel.com" <eric.e.bjorkman@intel.com>, "cthorpe@righthonda.com" <cthorpe@righthonda.com>

**Subject:** Proposed Senior Living at McDowell Mountain Ranch

*Hi Ed! I just want to reach out directly to you and your neighbors regarding another project I'm consulting on just down the street from the McDowell Mountain storage facility. Attached is the "Early Notification" letter that was just mailed out to the property owners within 750' (that includes you folks). The project is southwest of your subdivision and behind the Verde Canal berm that has all the overgrown vegetation. I'm not sure what, if any, portions of the project will be even visible from HP. Per the letter, the use has extremely low impacts on the things that matter to residents e.g. traffic, noise, activities and lighting. So far, we have staff support for the project and we're hoping to build upon that support with positive results from our public outreach efforts.*

*Ed, if you or your neighbors have any questions/comments/concerns, please feel free to contact me at any time. I'm just one-mile from away : ).*

*Thanks again! ML*

## NEXTDOOR POSTINGS May 7th THRU May 9th

Betty Janik

, Windgate Ranch 2

### OPEN HOUSE FOR MAJOR GENERAL PLAN AMENDMENT & REZONING May 7 @ 6pm

This is a very big request from SENIOR LIVING AT MCDOWELL MT RANCH for general plan amendment and rezoning near MMRR and 99th Place - your neighborhood. It is on a 5 acre site. BE INFORMED BY ATTENDING THE OPEN HOUSE Tuesday - tomorrow - MAY 7 at 6-7:30 pm LOCATION of OPEN HOUSE McDowell Center 16116 N McDowell Mountain Ranch RD

2d ago · 17 neighborhoods in General

Jason Alexander

, McDowell Mountain Ranch South · 2d ago

I am planning to attend, but juggling with kids' activities. I have several concerns with the project. First and foremost, the upzoning. They are asking for three stories, but that would be unlike any of the surrounding residences which are all 1 story homes or 2 story apartments. Also, what will they do to improve the neighborhood? I have crossed Thompson Peak from the gas station to the Library complex many times on foot and bike, cars are constantly turning right on red from MMR Road, with very little concern for pedestrians in the crosswalk. Walkability to the library and aquatic center will be a big draw for the residents, but the idea of a slower senior having to cross Thompson Peak while anxious drivers are trying to rush through...seems a death waiting to happen. We don't let the kids do it without a crossing guard, and that doesn't always provide enough protection from hurried drivers. There are no crosswalks from the Senior Living Facility further west connecting it with 98th Street. Again, I see someone potentially get hit.

Jennifer Vallette

, McDowell Mountain Ranch North · 2d ago

My question is, as with all the other family housing being built in the specific area. Why would senior housing be so close to a major entertainment and event venue? When I'm retired or in assisted living I don't think I'd want loud evening and daytime music, announcers, car show sounds, etc. It just seems so random that they would consider this.

Michael Leary

, McDowell Mountain Ranch South · 1d ago

Betty, I'm the applicant for the senior living facility proposed on the south side of MMRR west of 99th Place. The City miss-posted on its P&Z website that the zoning request was for a Major Plan Amendment - it is NOT! To the contrary, the rezoning CONFORMS with the General Plan and the current zoning does not. See below: From: McClay, Doris <DMcClay@scottsdaleaz.gov> Sent: Monday, May 6, 2019 8:42 AM To: mike leary Subject: RE: Senior Living MMR - wrong Open House notice on City website Hi Mike Sorry for the error. We are sending out a revised P&Z with the correct information. "Applicant-based open house for a rezoning case located at 9909 E. McDowell Mountain Ranch Road Tuesday, May 7 6-7:30



p.m. The McDowell Center, 16116 N. McDowell Mountain Ranch Road Applicant contact: Mike Leary  
480-991-1111 michaelpleary@cox.net"

Jason, thanks for planning on attending. Per the letter I previously sent, the request is to zone the property from the 1972 County annexation zoning to the classification that conforms with the City's General Plan. This is not a Major or Minor General Plan amendment - the request conforms with the GP. I've checked City records and the Kota apartments are 32'5" in height and we're proposing a height in the 40' range. The exact height hasn't been determined but the site is downhill from properties on the northside MMRR which would lower the perceived height of the building. I live in MMR and like you I have crossed TPP with great trepidation but the problem applies to all ages. However offsite issues like these are not the responsibility of project that don't exasperate existing problems. Providing a sidewalk and crosswalk to 98th Street is the responsibility of the City as the adjoining properties are part of WestWorld.

Jennifer, the project is uniquely located. The infrequent Westworld major events (e.g. Barrett-Jackson) are over a 1/2 mile away. The WestWorld 40-acre stormwater detention basins are immediately opposite the property and pose no negative impact on the proposed use. I previously posted the letter that was sent out to nearby properties and am posting again below for whoever might be interested. I'm sorry but this site isn't letting paste the site plan and perspective of the project.

Michael P. Leary, LTD 10278 E. Hillery Drive cell (480) 991-1111 Scottsdale, Arizona 85255  
michaelpleary@cox.net

DATE: April 26, 2019

TO: Neighboring Property Owners and Interested Parties

FROM: Mike Leary, Development Consultant RE: Senior Living at McDowell Mountain Ranch

A senior care facility comprising independent living, assisted living and memory care is proposed on a 5-acre vacant property on the south side of McDowell Mountain Ranch Road just west of 99th Place. The site backs up to the blighted Bureau of Reclamation property that contains the large drainage basins and WestWorld support facilities. As such the proposed development will provide a buffer for the residential developments north of McDowell Mountain Ranch Road and the existing and future facilities/activities within the Bureau property. Enclosed is our preliminary site plan and conceptual building design. Historically, the property retains the County 1972 annexation R1-35 zoning (one house per acre) which was the zoning classification of most of the County north of the CAP Canal. Post annexation all the surrounding developments that now exist were subsequently rezoned. The current zoning does NOT comply with the enclosed City's General Plan "Conceptual Land Use Map" which indicates "Office". The "Office" designation equates to the "Commercial Office (C-O)" zoning district which typically develops with multi-story offices that can generate a significant amount of traffic, noise, lighting and activity. However, a "residential health care facility" is also an allowed use and generates conversely minimal traffic, noise, lighting, and activity. The use is generally considered benign and compatible with both residential and non-residential areas.

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Can the City Council restrict the use of the property to just the senior living facility? Although the legal answer is governing bodies are precluded from limiting rezonings to specific uses, the City achieves that

goal by stipulating conformance to specific development plans which by their nature are use-specific and not convertible to other uses. If the stipulated development plans were subsequently proposed to be altered, an amendment would be required to go through the same Planning Commission and City Council public hearing process.

Will development adhere to the "dark sky" policy? Yes, lighting will be limited in number, lumen, and location to minimize total light emanation. Lighting will also be tightly controlled along the street frontage to preclude off-site light spill.

Will ambulances be using sirens to transport residents? The facility does not provide nursing care and the residents are ambulatory. As a matter of policy and practice, ambulances do not utilize sirens in residential areas.

As an interested party or property owner within 750' of the property, you are receiving this notification as part of the City's Public Outreach and Input process. Accordingly, we are also hosting an "Open House" from 6:00 pm to 7:30 pm on Tuesday May 7th at the McDowell Center located at 16116 N. McDowell Mountain Ranch Rd., Scottsdale, AZ 85255. We hope to subsequently file a formal application with the City to change the zoning from R1-35 PCD ESL (Single-family Residential within a Planned Community District in Environmentally Sensitive Lands) to C-O PCD ESL (Commercial Office within a Planned Community District in Environmentally Sensitive Lands) to allow the proposed senior living development. Immediately after filing the application, you will be receiving a postcard from the City notifying you of the application submittal.

If you should have any questions, please contact me at your convenience. You may also contact City of Scottsdale Senior Planner Doris McClay who is assigned to this project and can be reached at 480.312.4214 and [dmcclay@scottsdaleaz.gov](mailto:dmcclay@scottsdaleaz.gov). Our preliminary application case number is 99-PA-2019. Thank you! ML Enclosure

Jennifer Vallette

, McDowell Mountain Ranch North · 1d ago

@Michael-Thank you for the response but I've lived here since 2003 and I can promise you it's a bit more than Barrett. The annual Polo Party, Good Guys car shows, Bike Week, numerous horse shows and rodeos, RV Shows, Beachfest, Fourth of July, the Shrine Circus, and MANY other large events create noise levels that anyone living that close will hear. It's on their event calendars and growing every year.

Joseph Chaplik

, McDowell Mountain Ranch South · 1d ago

What is wrong with the Senior Living Center at FLW and 100th? Looks like a fine building. Is it fully occupied and is there a strong need for another facility so close as proposed?

Michael Leary

, McDowell Mountain Ranch South · 1d ago

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Joseph my understanding is that Belmont project is indeed full which confirms what our marketing study has concluded - our area is considerably underserved and the reason why this project is being proposed. Hope this helps

Michael Leary

, McDowell Mountain Ranch South · 1d ago

Jennifer, yes there are several venues that occur at WestWorld but primarily on the western end of the facility. Senior living basically occurs within the building so any noise that may emanate from WestWorld is not viewed as a problem like it might be for single-family residents.

John Rowton

, McDowell Mountain Ranch South · 1d ago

Building another facility in the Reata Wash?

Michael Leary

McDowell Mountain Ranch South · 1d ago

John thankfully we're not in it! : )

John Rowton

, McDowell Mountain Ranch South · 1d ago

The proposed senior center would be in it. A bunch of seniors in a flood plain- what could go wrong?

Michael Leary

, McDowell Mountain Ranch South · 1d ago

John if you give me call at 480.991.1111 or email me at michaelpleary@cox.net with your contact info and I can provide you a Maricopa County Flood Control Map of the property showing it's not within any 100-year floodplain. It's high and dry. : )

John Rowton

, McDowell Mountain Ranch South · 1d ago

It is in Zone A on the city supplied map. Southeast of there is what I like to call Lake Westworld. I walk that way 3 or 4 times a week for the last ten years. If you look at the condos, townhouses or what ever they are building at 98th and McDowell- you will see what they did to try to avoid any flooding that now makes Lake Westworld possible.

John Rowton

, McDowell Mountain Ranch South · 1d ago

I meant southwest of the proposed site is the location of Lake Westworld.

Michael Leary

, McDowell Mountain Ranch South · 1d ago

John I know folks who call it "Mosquito Lake" although the City and State swear that there have never been larvae in their testing. But I don't know about you, but for the last couple of years I've been having

mosquitoes outside and inside my Discovery Canyon home. I also had mosquitoes when playing at Horizon Park. You probably noticed that the City has been draining the lake with a portable pump that dumps into a sewer manhole. There supposedly are 7 drywells to drain the basins but they are undoubtedly unable to deal with all the silt that plugs them up.

John Rowton

, McDowell Mountain Ranch South · 1d ago

There is a cement trail that leads from Horizon Park down to WestWorld. Just north of McDowell it was destroyed -- looks like water flow took it down years ago. Just saying- the odds of a real bad flood down there are slim but it is not worth the risk with seniors involved. FWIW- I am over 70.

Diane Drell

, McDowell Mountain Ranch South · Edited 1d ago

I have some comments -- can't make the meeting. What will this proposed facility do to ingress and egress on McDowell Mountain Ranch Road, Thompson Peak and Bell Rd.? Clearly, we have enough traffic in this area now and at certain hours, it is very heavy traffic. Also, employees that work at these types of facilities have a high turn-over rate. Therefore, we would be allowing all kinds of strangers from all walks of life into this area on two or three shifts a day. Michael Leary, You alluded to Belmont Village. I know a lot about Belmont Village from the inception of when they were developing it, then building it and when it was initially up and running. It is very cheap construction and it took a long time to fill up that place. There is in-the-wall air conditioning units in each apartment. That is just plain hokey and cheap! Is this proposed facility going to be similar to Belmont Village where a bunch of investors buy-in initially and at some point, resell it to other owners? The rendering of the building that was sent to us through the McDowell Mountain Ranch HOA shows a similar drawing to Belmont Village which I find very interesting. Any connection to the developer and original investors of Belmont Village? Mayor Lane welcomed Belmont Village with open arms and cut the ribbon at the Grand Opening. Is he going to be asked to attend this Grand Opening here too.... should this go through?

Adam Johnson

, DC RANCH/Silverleaf · 1d ago

As someone what works in the real estate side of senior care, senior living and memory care, the valley has a large shortage of inventory. With baby boomers getting older, to the tune of 10,000 a day hitting retirement qualifications I think this development is well position and needed. A few years ago, I sold a Senior Living deal off of FLW and Lia Linda, 155 units. Very high end, they have a very long waitlist now days. I would encourage people on here to take a look at some senior living communities. I think people get confused with senior living verses nursing home of days gone past. I think having Westworld nearby will be a major pull and selling feature. All the events Westworld has are geared to those with disposable incomes from cars to horses it all takes big bucks. I Look forward to seeing this project get approved and fill that void in senior living we have in this particular area. From a business plan perspective, the deal I sold was \$31m, recent traded again last year for \$60m



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Adam Johnson

, DC RANCH/Silverleaf · 1d ago

Mike do you have a link to the application or a url with the city that you can share?

Diane Drell

, McDowell Mountain Ranch South · Edited 1d ago

I think we have an abundance of senior living in North Scottsdale and in 85260. By the time seniors move to a senior facility, it is usually because they aren't able to live independently in their own homes any more, so they don't go out real often. I don't believe West World will matter to people who live at this senior living residence, which I believe was mentioned would have an assisted living unit as well as a memory care unit. Also, will this facility be strictly a rental or a buy-in situation? I don't believe that has been mentioned. There is a big difference!

Adam Johnson

, DC RANCH/Silverleaf · 1d ago

Diane, that is the thinking I am talking about. Senior living today is way different than the nursing homes of old. They are very active communities with sporting event outings, tennis clubs, golf clubs, hiking clubs, these types of facilities seniors are moving to for more social reasons than care reasons. With us living actively well into our late 80's this option has become very popular. Get ride of the expensive large house and move into a socially active community. Have of the Del Webb communities are focused on this. Mike mentioned that this is an ambulatory development, this is not a nursing home or hospice care. I would expect, like the last one I sold, it was a live cycle community so they had basically condos with no care at all, then some assisted living and theirs was special for it also have memory care. Most occupants in our rent studies planned on living there for 12 to 17 years, so these communities, again, are not nursing homes. Most senior living facilities are leased not buy in and the ones that are buy in are very expensive. I would be curious to know that the rates will be, that is probably a better indicator of what the community will be. \$1500 a month versus the one I have mentioned at \$5k to \$7k a month are different animals.

Diane Drell

, McDowell Mountain Ranch South · Edited 1d ago

Adam Johnson, You are in the business of senior living sales. I am not speaking from that perspective, but that of a homeowner that lives in the vicinity of the proposed "retirement" home which will provide assisted living and memory care units. Most seniors today would prefer to live in their own homes, townhouses, condos or apartments as long as they can. I know about nursing homes and various types of retirement homes. Nursing homes is a different level completely. Why bring that up in this discussion? The retirement communities with very active communities don't have assisted living and memory care units. That is a different model you are writing about. Enough said on this subject. I am not in favor of this project in this area for all the reasons I stated above.


Adam Johnson

, DC RANCH/Silverleaf · 1d ago

I too am a home owner, I am also a residential real estate agent of close to 28 years and I also for the past 23 years have sold apartment developments and for the past 8 years senior living, assisted living and memory care facilities as well. No shocker that you would be against for no other reason than it's a new development and a change to the status quo, another nimby issue. I would think most of the homeowners near this development would be excited at the idea that when the time comes to move to something that is only senior, then assisted, then memory care and you get to stay in the community you live in now, that that would be a great thing to look forward too, my how I could be wrong.

Melissa Lorraine

, McDowell Mountain Ranch South · 1d ago

I just saw this, and I just heard about this today so it is too late for me to make the meeting... I would have liked to have gone to voice my opinion but unfortunately cannot. So I'll just voice it here..."hell no!"  There is nothing this adds to the community or its surroundings other than a 3- story monstrosity, traffic, and sirens! Please keep the residents in the area informed for any following meetings or any continual information. Thx.

John Rowton

, McDowell Mountain Ranch South · 1d ago

Senior living is not the point Mr. Johnson, the point is- why put in Reata Wash which is a flood area?

Adam Johnson

, DC RANCH/Silverleaf · 1d ago

John, All of the surrounding area, MMR, DC Ranch, Silverleaf, etc is in a flood plane. Part of the reason we don't have basements and we are built on stone. Every development that gets proposed anywhere near north scottsdale gets shot down. Complete NIMBY for sure. The condos at Silverleaf, the 135 room hotel near DC Ranch crossing ,the Greyhawk development northwest corner of Pima and TPP. I put my trust in the builder that it will be built to conform to current code, flood plane requirements. height restrictions given its lower elevation starting point. Yet some will stay say no for not in my back yard.

Bill Herf

, McDowell Mountain Ranch South · 1d ago

Is this project instead of the public storage facility that was proposed a few months ago that would go behind Superpumper?

Jason Alexander

, McDowell Mountain Ranch South · 1d ago

Its not my place to tell the builder or the new residents they will be bothered by the noise and traffic from Westworld, or living next to a truck-filled maintenance yard that frequently has night-time heavy truck activity, or a months-long mosquito filled lake. I doubt they will be happy with their lack of open space. That is between the buyers and sellers. I dont think flooding will be a problem. (though Adam Johnson's info about flood plains is wrong as it stops at 98th Street - see the Reata Wash Flood Plain map - it includes none of MMR or Silverleaf, most of DC Ranch). My objection is to the 3rd story, and the cheap stick modular design that will not last. These two features are what make the project profitable for the developer. We residents get more traffic, probably another lane extension from the site into Westworld, possibly a signal at 98th St, and new residents demanding street crossings. Michael you are correct the city doesn't require the developer to do those things. As a result the residents WILL eventually pay for those things. This is why we have nearly \$1B in unfunded infrastructure .If the city is going to grant you a zoning exemption, additional height, and allow another architecturally dull project... the taxpayers should get more in return. I would be much happier about this project if the developer didnt just take that 3rd story from the community, and instead made some of these impact improvements voluntarily. That is the cost of my support for the zoning variance.

Adam Johnson

, DC RANCH/Silverleaf · 1d ago

Jason, All of the areas I mentioned are within the flood plane. I look at title reports every day and address flood insurance questions as well, There are different classification, 100yr, 500yr, special circumstances, etc. Generally speaking anything at the basin of a mountain will be in a flood plane for water goes down hill. I would think increasing the property tax base, the sales tax base would go a long way to helping fund those infrastructure issues. Otherwise the alternative is say California where people are leaving so fast that even with raising sales taxes to almost 14% and personal income taxes to almost 15% the state simply cannot keep up with the out of control spending. I do thing we need to increase property taxes for they are way too low. Bringing seniors into this particular market, with larger disposable incomes will benefit the tax bases, provide more higher earning jobs to the local community and generally improve the overall living experience of the area. Not to mention those addition tax dollars for local public schools that is a nett 100% increase for I doubt many of those seniors will gave k-8 aged children going to local schools.

Jason Alexander

, McDowell Mountain Ranch South · 1d ago

Adam, Your argument about property and retail sales taxes flies in face of the last 10 years of City finances and our patterns of overdevelopment. We've seen how overdevelopment leads to underfunding. We may be increasing the tax base, but we are also creating unfunded needs and strain on existing city resources. Do you understand school funding? Outside the state and federal per-child allowance, anything else is a bond or override voted on by the local tax payers. Whether the new residents will

support additional school funding or not...I can not say. But in and of itself this project does nothing for schools. I also question the high paying jobs you foresee. I thought typical senior living facilities employed a lot of service-level work along with some health care professionals. Perhaps you can quantify the expected job and income distribution...I can not, but I'm sure its typical compared to other facilities like it. From my pov, its a very simple decision. The current proposal give too much away in zoning variances. Don't sell Scottsdale cheap. We should NEVER give away height, density and setbacks without getting something in return. As you've said, there is a ton of demand and its a seller's market. And while its not relevant to the thread, but, here is the Reata Wash Flood control area as defined by the City. The border is mostly Thompson Peak Parkway. This project is just outside the flood zone.

<https://www.scottsdaleaz.gov/Assets/ScottsdaleAZ/Construction/reata/study-area-map-12-22-2015.jpg>

Adam Johnson

, DC RANCH/Silverleaf · 1d ago

Gives too much away? It gives a small variance in height, 7ft 8 inches. Thats it. The the application is in fact only asking to update the already approved master plan for this parcel which hasn't been done since 1972. Last I checked, if this will have nursing care and memory care, nurses are some of the highest paid medical sector employees other than private practitioner doctors. Those jobs. Not to mention supporting industries such as food service, linen care or services, oxygen supply, etc, etc. We fundamentally look at development and advancement in two totally different points of view. Let me ask this, what was the last new development you or anyone here supported with as much vigor as the simply not in my back yard, I got mine everything else should be stopped? What was it? Massive regulations hurt our overall economy. A small variance for height on what most of us would consider S\*&tty land to begin with is just what the doctor ordered. Just think back to when the genius city council of Phoenix thought it would be great to do a development on leased land, City North, how FUBAR that was. This is a small developement on 5 acres. Well within the building and planning envelop. It will bring a much needed service and getting larger every day, to the area, employs people and increase the tax base. All of those things far out weight the variance. And even that you will only ever see when you get gas at the gas station that was also opposed massively back on 1999 when it was put it.

Jason Alexander

, McDowell Mountain Ranch South · 1d ago

Adam - thank you for describing some of the jobs that the facility will require. As I said, I did not know. I've been very clear in my mostly-support of Museum Square (it needs more parking), of Southbridge II. I have nothing to say about the Lane's End south of the Aquatic Center, or the project at the corner of 98th WMMR - they were easy as they were within the zoning code. I have nothing to say about the expansion of the Basha's plaza, or the infill across the street - again, all within zoning. I dont oppose this development, nor am I for it. Its still in the planning phase. Zoning code matters, and its a seller's market. Dont sell Scottsdale cheap. Like you said, we view development very differently. But, would you of all people leave money on the table? That is what the City is doing if we give out zoning variances without getting enough benefits in return.



Donna Neuhauser

, McDowell Mountain Ranch North · 1d ago

Hmmm... no ambulances onsite because all residents will b ambulatory? How can that b true If it offers assisted living n memory care svcs? Thank you.

Michael Leary

, McDowell Mountain Ranch South · 1d ago

I want to thank the 21 folks who were able to attend the Open House meeting which went very well yesterday and we are encouraged by the questions asked and answers given. Conversely there are more questions/comments/concerns in this thread than I can reasonably respond to without generating even more questions/comments/concerns. Nonetheless I would like to reiterate a few items.

The request conforms to the City's General Plan.

We are NOT asking for any VARIANCE - zoning allows 48' and facility will be somewhere around 40' (we're still in preliminary design).

The property is NOT in a flood plain.

Our market study confirms that our area is underserved and that this facility will fill only part of that deficiency. The facility will be upscale befitting Scottsdale and nearby residents.

The facility will not result in a strain on traffic - the number of vehicular trips will be nearly 1/2 of what an alternative office use would generate.

I would ask and encourage anyone interested in this project to contact me directly at 480.991.1111 or michaelpleary@cox.net so that there can be a meaningful discussion. As someone suggested I will post the filing of the application with the City and the URL to access our case. Please note that the City only posts online the narrative and all the other submittal items will be in the case file accessible at the City's Record Department 7447 E. Indian School Road. With all that said I will be dropping off this thread for now but I will be available anytime for a call, email or an in-person meeting. Thanks again for your interest. ML



# Open House Sign-In Sheet

Date: \_\_\_\_\_

Location: \_\_\_\_\_

*This Sign-In Sheet is a Public Record*

Name <i>Lucinda Stoneberger</i>		Business Name	
Address & Zip	Phone <i>970-412-4646</i>	E-mail	
Name <i>Billy / Joe Janick</i>		Business Name	
Address & Zip <i>18490 N. 97th Wy</i>	Phone	E-mail	
Name <i>William Patterson</i>		Business Name	
Address & Zip <i>9850 McDowell Ntn Rnd</i>	Phone	E-mail	
Name <i>Kathy Littlefield</i>		Business Name <i>City Council</i>	
Address & Zip <i>8926 E. Sheena Dr</i>	Phone	E-mail	
Name <i>Eric Bjorkman</i>		Business Name	
Address & Zip <i>7922 E. Monte Cristo</i>	Phone <i>602 421 3868</i>	E-mail	
Name <i>Matt Foster</i>		Business Name	
Address & Zip <i>9906 E. Monte Cristo Ave</i>	Phone <i>405-819-3641</i>	E-mail	
Name <i>Ed Grant</i>		Business Name	
Address & Zip <i>16125 N. 99th Wy</i>	Phone <i>602-432-2248</i>	E-mail	



# Open House Sign-In Sheet

Date: \_\_\_\_\_

Location: \_\_\_\_\_

*This Sign-In Sheet is a Public Record*

Name <b>Jim Anderson</b>		Business Name	
Address & Zip		Phone <b>480-342-7145</b>	E-mail
Name <b>Jan Buggeln</b>		Business Name	
Address & Zip <b>16231 N 99th Pl</b>		Phone <b>480 9988035</b>	E-mail <b>janbuggeln@cix.net</b>
Name <b>RON RODER</b>		Business Name	
Address & Zip		Phone <b>480-473-8867</b>	E-mail
Name <b>Michael Gonzalez</b>		Business Name	
Address & Zip		Phone <b>480 503-0519</b>	E-mail
Name <b>LAKSHMANA RALLAPALI</b>		Business Name	
Address & Zip		Phone <b>602 5955044</b>	E-mail
Name <b>Lynne &amp; Bud Sessions</b>		Business Name	
Address & Zip		Phone	E-mail
Name <b>Ruth Fields</b>		Business Name	
Address & Zip		Phone	E-mail



# Open House Sign-In Sheet

Date: 5.7.2019

Location: 16116 N. McDowell Mtn. Ranch Rd.

This Sign-In Sheet is a Public Record

Name <u>MARTIN KAUFMAN</u>		Business Name	
Address & Zip <u>10207 E. Hillery Dr</u>	Phone <u>480-218-3787</u>	E-mail <u>ANNKAUFMAN1018@MSN.COM</u>	
Name <u>Mary</u>		Business Name	
Address & Zip <u>16441 N. 111th</u>	Phone	E-mail	
Name <u>Justin Schwab</u>		Business Name	
Address & Zip <u>16251 N. 98th Pl</u>	Phone	E-mail <u>JUSTIN_SCHWAB@yahoo.com</u>	
Name <u>Sue Hendrix</u>		Business Name	
Address & Zip <u>11158 E Beck Ln</u>	Phone	E-mail <u>suehendrix44@msn.com</u>	
Name <u>BRETT LEVY</u>		Business Name <u>WRITETHRU MEDIA</u>	
Address & Zip <u>16491 N. 108TH STREET</u>	Phone <u>480 419-5459</u>	E-mail <u>BRETTOL@WRITETHRU.COM</u>	
Name <u>CAROLYN MEUSER</u>		Business Name	
Address & Zip <u>10368 E VERBENA LN</u>	Phone <u>480 264-1099</u>	E-mail <u>carolynmeuser@live.com</u>	
Name <u>CHARLES MEUSER</u>		Business Name	
Address & Zip	Phone	E-mail	



# Michael P. Leary, LTD

10278 E. Hillery Drive  
Scottsdale, Arizona 85255

cell (480) 991-1111  
michaelpleary@cox.net

DATE: August 12, 2019

TO: Neighboring Property Owners and Interested Parties

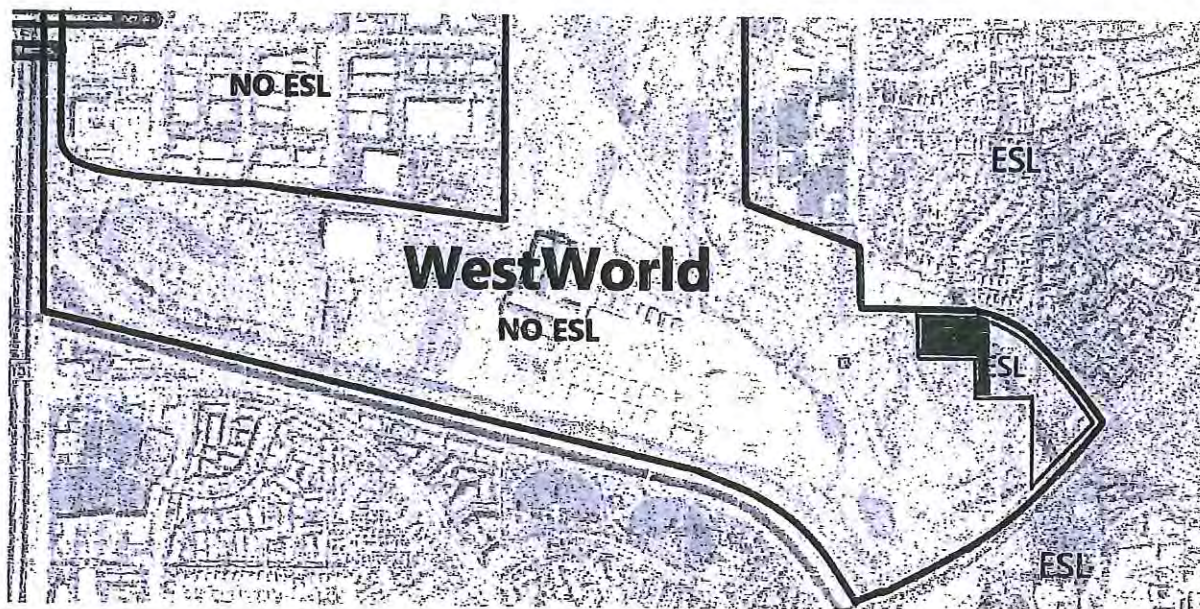
FROM: Mike Leary, Development Consultant

RE: Senior Living at McDowell Mountain Ranch – modification to rezoning request

A letter explaining the request to rezone the subject property was mailed back in late April. The rezoning application was filed back in May and we are hoping to be in the public hearing stage before Planning Commission in September and City Council in October. The project itself remains unchanged from the prior letter and formal application.

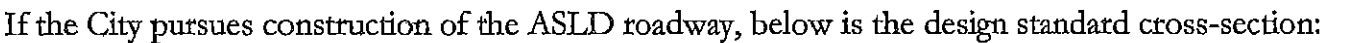
You are receiving this update as the application has been modified solely to remove the ESL (Environmentally Sensitive Lands) overlay district due to a City staff proposed dedication of right-of-way along our east property line as described below:

The subject property along with two others are the only ESL-zoned parcels on the south side of MMRR and west of Thompson Peak Parkway as shown on the graphic below:



The removal of the ESL overlay is a direct result of staff's proposal to require a 30' half-street dedication along the eastern portion of the property and 30' on the adjoining parcel (60' total). Staff's long-held intent has been to preserve the opportunity to access the Arizona State Land Department ("ASLD") orphaned property located approximately 600' south of MMRR should the parcel be acquired

Despite the removal of the ESL overlay, there is NO CHANGE TO OUR PROPOSED LANDSCAPE PLAN INCLUDING UNDISTURBED NATURAL AREAS. The originally proposed landscaping and preservation of the old Rio Verde Canal remain unaltered in the hope and expectation that the City will drop the proposed roadway to the ASLD property.



We do not support the ASLD roadway dedication or street improvements for the following reasons: the roadway does not provide meaningful access for private development; the driveway at MMRR would be approximately 138' east of the Horseman's Park driveway and would not meet the City's 250' standard separation requirement; over 18,000 sf of landscaping and undisturbed area would be eliminated along our eastern property line and a like amount from the adjoining property including significant portions of the old Rio Verde Canal and undisturbed natural areas. Those lost areas create a technical deficiency in the minimum NAOS required but the project still provides an excess of Open Space required by the ESL standards. Our plan is to still provide ESL NAOS easements over the same areas previously identified so the net effect will be no change from what was originally proposed.

If you should have any questions, please contact me at your convenience. You may also contact City of Scottsdale Senior Planner Doris McClay who is assigned to this project and can be reached at 480.312.4214 and [dmcclay@scottsdaleaz.gov](mailto:dmcclay@scottsdaleaz.gov). Our case number is 8-ZN-2019.

**Thank you! ML**

enclosure



Douglas A. Ducey  
Governor



Lisa A. Atkins  
Commissioner

**Arizona State Land Department**

1616 West Adams, Phoenix, AZ 85007  
(602) 542-4631

November 6, 2019

Planning Commission  
City of Scottsdale  
3939 North Drinkwater Boulevard  
Scottsdale, Arizona 85251

RE: Senior Living at McDowell Mountain Ranch; 8-ZN-2019 and 5-AB-2019

Dear Chairman Alessio and Commissioners:

On behalf of the Arizona State Land Department (ASLD), I appreciate the opportunity to provide comment on the November 13, 2019, Scottsdale Planning Commission Agenda items referenced above. Of specific interest and concern to ASLD is the proposed partial Government Land Office ("GLO") easement abandonment adjacent to the western property line of the property that is the subject of the above-referenced cases (the "Rezoning Property"). ASLD fully supports the rights of all landowners to entitle and develop their properties in accordance with existing zoning and regulatory frameworks. However, when the adverse impacts of those efforts extend beyond the property on which the zoning or development is proposed, affecting State Trust land in direct and tangible ways, ASLD has a responsibility to respond and place our concerns on behalf of the Trust beneficiaries<sup>1</sup> on the record for your consideration.

The Rezoning Property is located immediately north of a 7.3-acre parcel of State Trust land (the "Subject STL"). Although the Subject STL straddles Thompson Peak Parkway, physical access from that road is constrained by topography and drainage. As a result, GLO easements on the common property line of the Rezoning Property and its neighbor to the immediate east provide the only practical physical access to the Subject STL. Currently, the GLO easements are 33 feet in width, for a total corridor 66 feet in width between McDowell Mountain Ranch Road and the Subject STL (the "Access Corridor").

According to materials available on the City's website, the applicant is requesting, and City staff is recommending, approval of the abandonment of the western 13 feet of the GLO easement on the Rezoning Property's eastern property line, which would reduce the total Access Corridor width to 53 feet. If the subject abandonment is approved, ASLD believes it is highly likely that the owner of the adjacent property to the east will also request a similar abandonment, thus reducing our Access Corridor to 40 feet in width.

<sup>1</sup> The Trust beneficiary of the Subject STL is the K-12 public schools of Arizona.

Planning Commission  
November 6, 2019  
Page 2

ASLD's Appraisal Section was consulted on this matter, and concluded that an appraisal of the Subject STL for office uses (its current land use designation per the 2001 Scottsdale General Plan) with a 40-foot wide access corridor would likely be subject to a considerable valuation discount. Our fiduciary duty in this case compels us to act.

Whether an access road to the Subject STL can be fit into a 53-foot or 40-foot easement is not the point. ASLD's position is that it is improper that ASLD, on behalf of the State Trust Beneficiaries, be burdened with the consequences of a neighboring property owner's self-imposed hardship, namely that the Rezoning Property has insufficient land area available to accommodate both the proposed development and its required Natural Area Open Space (NAOS).

We respectfully request that the Planning Commission recommend denial of the subject GLO easement abandonment, or delay action on the subject agenda item until such time as the applicant can amend their development proposal so the Rezoning Property can accommodate both their buildings and their required NAOS without reducing the GLO easement that provides access to the Subject STL.

Thank you for your favorable consideration of our request.

Sincerely,



Lisa A. Atkins  
State Land Commissioner



## McClay, Doris

---

**From:** Curtis, Tim  
**Sent:** Monday, October 28, 2019 1:45 PM  
**To:** McClay, Doris  
**Subject:** FW: Sr. Living Facility by Westworld . -- NO THANK YOU.

**From:** Karl F <karlfrye@gmail.com>  
**Sent:** Monday, October 28, 2019 1:31 PM  
**To:** Planning Commission <Planningcommission@scottsdaleaz.gov>  
**Subject:** Sr. Living Facility by Westworld . -- NO THANK YOU.

**⚠ External Email: Please use caution if opening links or attachments!**

It would be a terrible decision to allow the land that is a designated ESLO area to be converted into a Sr. Living Facility. The groundwork for that many residents on such a small area of land is preposterous. Also there is only one way in and out of that location and traffic going to and from WW, McDowell Mountain Ranch, ND Prep, is already more than enough.

This would be a bad idea and my vote is NO.

Karl Frye  
Homeowner  
9853 E Bahia Dr, Scottsdale, AZ 85260

## McClay, Doris

---

**From:** Castro, Lorraine  
**Sent:** Monday, October 28, 2019 12:30 PM  
**To:** McClay, Doris  
**Subject:** FW: Senior Living Facility along McDowell Mtn Ranch Road adjacent to Westworld

-----Original Message-----

**From:** Spencer Cunningham <12spencer49@cox.net>  
**Sent:** Sunday, October 27, 2019 8:53 PM  
**To:** Planning Commission <Planningcommission@scottsdaleaz.gov>  
**Subject:** Senior Living Facility along McDowell Mtn Ranch Road adjacent to Westworld

 External Email: Please use caution if opening links or attachments!

I oppose the 200 unit Senior Living Facility on 5 acres along McDowell Mtn Ranch Road adjacent to Westworld. please do not approve it.

-Spencer Cunningham  
10369 E Star Of The Desert Dr  
Scottsdale, AZ 86255

-Spencer

## McClay, Doris

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**From:** Curtis, Tim  
**Sent:** Friday, October 25, 2019 5:20 PM  
**To:** McClay, Doris  
**Subject:** FW: Proposed Senior 200 Unit Living Facility nest Westworld

-----Original Message-----

From: Linda Gomlicker <lgomlicker@gmail.com>  
Sent: Wednesday, October 23, 2019 4:38 PM  
To: Planning Commission <Planningcommission@scottsdaleaz.gov>  
Subject: Proposed Senior 200 Unit Living Facility nest Westworld

 External Email: Please use caution if opening links or attachments!

Dear Sir:

Please don't allow the proposed 200 Unit Senior Living Facility to be built adjacent to one of Scottsdale's biggest tourism center, Westworld. Already an apartment complex was built at it's northern entrance at 94th and Bell which creates increased traffic congestion at events at Westworld. Please don't allow any further congestion.

I have lived at 15753 N. 102nd Street which is almost in the corner of Thompson Peak Parkway and McDowell Mountain Ranch. Thus, I have watched the building and traffic grow since 1998. It has greatly increased of which much could be expected but please help us contain overgrowth.

Linda Gomlicker

Sent from my iPhone

Item #<sup>s</sup> 5 & 6  
From 10/19 - 10/21/19

**From:** [Richard Wojtczak](#)  
**To:** [Planning Commission](#)  
**Subject:** In File - Please Turn Down High Density Senior Living Facility Next to Westworld  
**Date:** Saturday, October 19, 2019 9:15:41 PM

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**External Email: Please use caution if opening links or attachments!**

You will discussing the attempt to revise the zoning restrictions on the subject plot of land near the Westworld entrance at your meeting on October 23, 2019. Please turn down this latest attempt by the developer to get around intentional well-panned restrictions placed on the property density.

Changing to a high density zoning will only increase an already unacceptable traffic pattern in the area whenever the Westworld Center hosts an event where traffic is routed through to the McDowell Mountain Ranch /Thompson Peak Parkway roads.

I am a resident of Cachet Condominiums at McDowell Mountain Ranch, and need to use the affected roads and intersections on a daily basis.

Thank you for your consideration of this request.

Regards,

Richard J Wojtczak  
16420 N Thompson Peak Parkway  
Scottsdale, AZ 85260

Item # 546

**From:** [Comcast](#)  
**To:** [Planning Commission](#)  
**Subject:** Stop development  
**Date:** Sunday, October 20, 2019 8:08:54 AM

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External Email: Please use caution if opening links or attachments!

There should not be dense residential in an ESLO area adjacent to our biggest tourism center. It is already too congested and dangerous.



Item #15 546

**From:** [Ronnie Honey](#)  
**To:** [Planning Commission](#)  
**Subject:** Senior Living Facility on MMR Road & Thompson Peak Parkway  
**Date:** Sunday, October 20, 2019 2:29:58 PM

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**External Email: Please use caution if opening links or attachments!**

Dear Planning Commission:

As residents of MMR who live very close to the site of the proposed new senior living facility at MMR Rd and TPP, we write to express our concern about the possibility of a substantial increase to the number of units allowed per acre. It is our understand that the land is currently zoned for one unit per acre and we strongly believe it needs to stay that way. Increasing the population density in an already heavily trafficked area, particularly given the event traffic from Westworld is unfair to the resident taxpayers in the area and out of line with the community lifestyle.

The residents in the MMR area pay hefty property taxes and play by the existing rules of the MMR and local HOAs, as well as adhere to Scottsdale ordinances. We also vote. Builders looking to make lots of money in this desirable area need to abide by the same community standards and zoning laws as everybody else, without exception. There is no **\*good\*** reason to grant an exception for this piece of property because it does not benefit the residents of the community or the greater good.

Thank you for your consideration.

Roger and Ourania Honey

Item # 546

**From:** [Peter Vultaggio](#)  
**To:** [Planning Commission](#)  
**Subject:** No Senior Living Facility near West World  
**Date:** Sunday, October 20, 2019 2:31:57 PM

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External Email: Please use caution if opening links or attachments!

Hello, I am writing as a concerned resident of McDowell Mountain Ranch for the proposed Senior Living Facility near West World to be built on ESLO land zoned for only 5 lots. Having 200 residents on 5 acres is way too populated for a location next to one of the largest tourist and revue generators for North Scottsdale. It doesn't make sense to squeeze that many residents into a parcel of land that is right next to horse barns, or needs access to roads that are guaranteed to be interrupted by event traffic. It's a recipe for disaster.

Thank you.

Sincerely,  
Maisie Vultaggio  
11047 E Mirasol Cir  
Scottsdale, AZ 85255

Sent from my iPhone

Item #'s 546

**From:** [gary wagoner](#)  
**To:** [Planning Commission](#)  
**Subject:** In File - Proposed development on McDowell Mountain Ranch Road & Thompson Peak NO DEVELOPMENT  
**Date:** Sunday, October 20, 2019 2:43:58 PM

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**External Email: Please use caution if opening links or attachments!**

Dear Scottsdale Planning Commission,

As a long time resident, and registered voter, in the neighborhood of McDowell Mountain Ranch Road & Thompson Peak I am asking that you continue to deny the proposed development of the 5 homes and the 3-story nursing home.

My neighbors and I chose to live here because of the rustic desert scenery that we love so much. We love the animals that roam freely here. We love the minimal traffic and minimal noise and light pollution in this area. We are aware of the developer trying to overturn the UNANIMOUS decision that the Planning Commission made in a recent vote to not allow the development to occur. We are also aware of the lobbyist who is a prior employee of the city of Scottsdale that is helping the developer overturn your decision because of a alleged procedural violation.

The residents of our beautiful neighborhood are watching these political events unfold, and we are the voters that have a DIRECT VOICE in this matter!!!! Please do not allow this development project to happen. Are there any existing building moratoriums or environmental issues that can be amended to keep future developments like this from occurring in the future? I am looking forward to meeting each of you at the next hearing at Scottsdale City Hall on October 23rd at 5pm

Respectfully,

Dr. Gary L. Wagoner  
480/343-0585

Item #15 596

**From:** [DG](#)  
**To:** [Planning Commission](#)  
**Subject:** In File - Senior Living Facility  
**Date:** Sunday, October 20, 2019 2:46:58 PM

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External Email: Please use caution if opening links or attachments!

This project needs to be voted down again. That's a terrible location for that project. It's bad enough we keep seeing higher density projects all around Scottsdale. It's high time you start thinking about the citizens of Scottsdale and stop letting the developers run this city. I love Scottsdale but the quality of life has gotten worse and worse since I moved here 15 years ago.

Respectfully,

Dave Garafano

Sent from my iPhone

Item #'s 546

**From:** [Donna Neuhauser](#)  
**To:** [Planning Commission](#)  
**Subject:** In File - Senior Residential Facility  
**Date:** Sunday, October 20, 2019 3:11:58 PM

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**External Email: Please use caution if opening links or attachments!**

Dear Members of the Planning Commission:

My husband n I live in MMR within walking distance of WestWorld. I am asking that this senior facility NOT b built in the proposed area. It is not a good area for such a facility- wayyyy too dense..... not to mention all the horse trailers that show up with the many equestrian events. I'm not against the senior facility - heck I'm 65 myself - but this area is simply not an appropriate building site.

Thank you for your consideration. Best, Donna Neuhauser 10326 East Tierra Buena Ln 85255

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Donna



Item #15 5 & 6

**From:** [Jim.howard1](#)  
**To:** [Planning Commission](#)  
**Subject:** Dense Senior residential in an ESLO  
**Date:** Sunday, October 20, 2019 3:33:58 PM

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External Email: Please use caution if opening links or attachments!

Ridiculous you are even considering this. As a 32 plus year resident in this area I am appalled that you would even consider changing density zoning in this area.

We the people who live here and have lived here don't want this kind of density in our area

Sincerely

Jim Howard

Sent from my iPhone

Item #'s 546

**From:** [Carole Perrello](#)  
**To:** [Planning Commission](#)  
**Subject:** Development on a parcel west of Thompson Peak and on McDowell Mountain Ranch Road  
**Date:** Sunday, October 20, 2019 4:10:01 PM

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**External Email: Please use caution if opening links or attachments!**

I ask that you please continue to turn down the plan to develop 200 units for a 3 story nursing home complex on a parcel west of Thompson Peak and on McDowell Mountain Ranch Road. This massive density increase on McDowell Mountain Ranch Road will increase traffic in the area around WestWorld and may lead to encourage more developers to supersize other proposals in the McDowell Mountain Ranch area. Please let us keep our current lifestyle at McDowell Mountain Ranch.

Thank you.

Carole Lee Perrello  
16356 N Thompson Peak Pkwy  
Scottsdale, AZ 85260

Item #5 546

**From:** [Bruce Elliasen](#)  
**To:** [Planning Commission](#)  
**Cc:** [Bruce. ICE](#)  
**Subject:** In File- Westworld Senior home project at 94th and Bell  
**Date:** Sunday, October 20, 2019 5:08:04 PM

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External Email: Please use caution if opening links or attachments!

How could you possibly permit a 200 unit senior living project on land that is zoned one unit per acre? There is too much congestion in this area now. This would open the city open to a number of lawsuits. I would like a answer to this email. Thank you

Bruce Elliasen

Item #'s 586

**From:** [Mary Wolfersberger](#)  
**To:** [Planning Commission](#)  
**Cc:** [City Council](#)  
**Subject:** In File - Zoning law changes  
**Date:** Sunday, October 20, 2019 5:25:04 PM

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**External Email: Please use caution if opening links or attachments!**

### **Senior Living Facility on MMR Road and Thompson Peak**

This email is specifically addressing this current issue listed above but I am also **AGAINST** ALL the zoning variances that Scottsdale is so willing to give to developers. Scottsdale is a wonderful community because of the Master plans that were approved years ago. The current city council should not be changing these ordinances to accommodate the developers for their own person interests rather than the interest of the residents of Scottsdale. What is the purpose and benefit of allowing a developer to build a 200 unit Senior Living Facility on 5 acres when it is zoned for one unit per acre, they are seeking to allow a **40x** increase to 40 units per acre.

Start being responsible to the residents!

Mary Wolfersberger  
Scottsdale, AZ

Item #5 546

**From:** [Christine De Marco](#)  
**To:** [Planning Commission](#)  
**Subject:** In File - dense building in Scottsdale  
**Date:** Sunday, October 20, 2019 7:32:03 PM

---

**External Email: Please use caution if opening links or attachments!**

I am writing to say that there should not be any dense building of residential homes/apartments or buildings in an ESLO area. This area is at Bell and 94th street right near Westworld. Westworld offers Scottsdale such wonderful events/tourism. This would be a huge inconvenience to those around that area as well as those visiting Westworld.

Christine De Marco



ITEM No's 546

**From:** [Susan Hughes](#)  
**To:** [Planning Commission](#)  
**Subject:** In File - Vote No on allowing a developer to build on Thompson Peak and McDowell  
**Date:** Sunday, October 20, 2019 9:45:03 PM

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External Email: Please use caution if opening links or attachments!

I live in McDowell Mountain Ranch subdivision. It would be very inappropriate and yes, reckless to allow a 3 story building with 200 plus units at such a busy intersection at the entrance of Westworld. This is chaotic intersection with horse trailers during shows, lots of hiking as well as events.

A 5 acre parcel slated for 5 homes is very different than a 200 unit 3 story monstrosity. it was turned down already, why allow them the option of resubmitting. It doesn't seem right nor ethical and doesn't pass the "sniff test". As Scottsdale is asking the public to pass a huge bond why is there the need to appear unethical and reckless? Integrity matters and the community is watching very closely.

Susan Hughes MD  
Bounce Highest LLC  
John Maxwell Certified Speaker and Coach  
Robbins-Madenes trained Coach  
(360)448-8770

Item #15 of 6

**From:** [Amy Bjorkman](#)  
**To:** [Planning Commission](#)  
**Subject:** In file - Retirement community  
**Date:** Monday, October 21, 2019 6:20:09 AM

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External Email: Please use caution if opening links or attachments!

Hello. I am a resident of Horseman's Park Ranch and I recently learned of the proposed plans to construct a 200-unit Senior Living facility on Thompson Peak Parkway and McDowell Mountain Ranch Rd. This facility would be directly across from my community. I am opposed to this plan. There should not be dense residential in an ESLO area adjacent to our biggest tourism center. This would also increase traffic in an peaceful area and on a street where children are walking to and from school each day (with sidewalks on only one side of the street.) It would also negatively impact the natural habitat of desert life found in this area.

Please reconsider this project.

Thank you,

Amy Bjorkman

Item #'s 546

**From:** [Kevin Moshir](#)  
**To:** [Planning Commission](#)  
**Subject:** In File - Parcel west of Thompson Peak and McDowell  
**Date:** Monday, October 21, 2019 6:41:09 AM

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External Email: Please use caution if opening links or attachments!

Dear City of Scottsdale Planning Commission,

My family and I would like to thank you for looking after our community. We appreciate you turning down the proposal for the three story nursing home complex. Please continue doing so despite lobbying efforts.

Best regards,  
Kevin Moshir

Item #15 546

**From:** [Robert Vodicka](#)  
**To:** [Planning Commission](#)  
**Subject:** In File -Vote No on MMR development  
**Date:** Monday, October 21, 2019 7:48:09 AM

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**External Email: Please use caution if opening links or attachments!**

Scottsdale Planning Commission,

I am writing to voice concern over the requested rezoning of the plot of land at Thompson Peak and MMR Road. Based on the mailings received, the developer is seeking to turn a residential-zoned parcel into a large-scale nursing home. This is unacceptable. Coupled with the planned and unnecessary storage facility, this will significantly disrupt our neighborhood and community, create years of development issues in an otherwise fully-developed area, and massively increase traffic (which is already an issue with Westworld and Notre Dame). And if this project is approved, what's next?

MMR is a family community and the last thing needed is a new development that will drive up traffic across the street from a school and library while creating more light and sound pollution. There are countless parcels of land in Scottsdale that are not in the middle of family homes. Put in a park and walking paths, something that benefits the families that are leading the growth in our city. Support the young and growing families that are likely to approve the bond packages in November, as we all want to improve our great city. We already voted down the development within the Preserve last year; please understand our position that we want to keep community family-focused, not a construction zone.

I look forward to hearing more about this at the 10/23 meeting and hope you will consider my view.

Robert Vodicka

Item #5 546

**From:** [Bjorkman, Eric E](#)  
**To:** [Planning Commission](#)  
**Cc:** [Amy Bjorkman \(dramybjorkman@yahoo.com\)](#); [Bjorkman, Eric E](#)  
**Subject:** In file - Stop huge nursing home on McDowell Mountain Ranch Road!  
**Date:** Monday, October 21, 2019 7:53:14 AM  
**Importance:** High

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**External Email: Please use caution if opening links or attachments!**

Scottsdale Planning Commissioners:

I have been made aware of an attempt by a developer to change the zoning of property on the South side of McDowell Mountain Ranch Road to allow a large retirement home to be built. I live in a quiet neighborhood on the north side of McDowell Mountain Ranch Road, and moved here specifically because the surrounding area was zoned for single family homes, not large buildings that will generate massive traffic and noise.

Please reject this proposal and keep the property in this area to single family homes only!!!

Sincerely,

Eric Bjorkman  
9922 East Monte Cristo Ave  
Scottsdale, AZ 85260



Item # 5 + 6

**From:** [Diane Seidl](#)  
**To:** [Planning Commission](#)  
**Subject:** In file - senior living center  
**Date:** Monday, October 21, 2019 11:14:10 AM

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External Email: Please use caution if opening links or attachments!

Please, for heaven's sake, do not build a senior center by Westword. That makes absolutely no sense. There are so many reasons that this is a very poor idea. I hope the city planning commission uses more common sense than to allow this to be build in this area.

Item #15 5 & 6

**From:** [Susan Leeper](#)  
**To:** [Planning Commission](#)  
**Subject:** in File - No Dense Residential in ESLO area  
**Date:** Monday, October 21, 2019 11:29:09 AM

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**External Email: Please use caution if opening links or attachments!**

This 200-unit nursing home project doesn't belong in the area adjacent to our biggest tourism center. If approved it will encourage more speculative developers to come to the area looking for similar density grabs for apartments and other uses that would change the low-scale nature of the area.

The developer is trying to cram 800 pounds in a hundred pound bag. They should not be granted an exemption from Scottsdale's landmark Environmentally Sensitive Lands Ordinance (as they did at the previous hearing) or a change that would see them screw the Arizona State Land Department, which has adjoining property and which is the city's long-time partner to bring the McDowell Sonoran Preserve to life.

Susan Leeper  
Scottsdale resident since 1992

Item #15 546

**From:** [mary engan](#)  
**To:** [Planning Commission](#)  
**Subject:** In file - NO NURSING HOME COMPLEX !!!!!  
**Date:** Monday, October 21, 2019 12:03:11 PM

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**External Email: Please use caution if opening links or attachments!**

Dear Planning Commission Members,

WHAT ARE YOU THINKING.... OR MORE ACCURATELY --- HOW CAN YOU NOT BE THINKING?????

How can you CAVE IN to the tricks and lies of a FORMER City of Scottsdale STAFFER TURNED LOBBYIST --  
- SOUNDS JUST LIKE THE DEEP STATE IN WASHINGTON!! How could you BACK TRACK your earlier  
UNANIMOUS VOTE to DENY that DEVELOPER TO RUIN the McDowell Mountain Area??

Is MONEY changing hands - under the table???

This must not be allowed!

HOPEFULLY - YOU WILL ALL HAVE THE COURAGE IT TAKES TO STOP THIS - ONCE AND FOR  
ALL!!!

I HAVE LIVED IN THIS PART OF SCOTTSDALE SINCE 2003 ----- there is NO NEED for NURSING  
HOMES.... MORE APARTMENTS.... MORE BUILDINGS OF ANY NATURE.... AND CERTAINLY NOT  
MORE TRAFFIC IN THIS BEAUTIFUL PART OF SCOTTSDALE!!!

STOP THIS CRAZINESS - NOW!!!

Sincerely,  
M. Engan

Item #5 5+6

**From:** [Steve Jennings](#)  
**To:** [Planning Commission](#)  
**Subject:** In file- Senior living development  
**Date:** Monday, October 21, 2019 12:18:10 PM

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**External Email: Please use caution if opening links or attachments!**

Please do not allow 'senior living facility' west of Thompson Peak on McDowell Mountain Ranch Road. The five acre parcel is zoned for five homes.

I know there is currently a facility at 94th street and to be honest it is poorly managed so we moved our 87 year old mom to a facility on Thomas closer to where a bulk of elderly medical facilities are currently located.. please leave the area in question as it is "a destination for tourists and active adults"

Thank you

Steve Jennings  
480-686-0164

Item #15 5 & 6

**From:** [kari.coelho](#)  
**To:** [Planning Commission](#)  
**Subject:** In File - NO to 3 story nursing home complex on McDowell Mountain Ranch Road!!!!  
**Date:** Monday, October 21, 2019 1:18:21 PM

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**External Email: Please use caution if opening links or attachments!**

I am writing this email to urge the City of Scottsdale to prevent the property owner at McDowell Mountain Ranch Road and Thompson Peak from being allowed to build a 3-story nursing home complex on land that has been designated for 5 homes only. As a resident of the Horseman's Park Community, this proposed change in development will be disastrous to our community. The area already has significant traffic, congestion, and noise for our small community. It is unfair and manipulative to attempt to undo the will of the local people that have already unanimously agreed that this parcel of land be developed with 5 homes only. As a community, we have chosen to live in this part of North Scottsdale to avoid a bigger city feel and to be able to access local businesses without traffic and aggravation. Please do not allow the greed of this developer to negate the will of the people that reside in North Scottsdale. Ultimately, we the people will vote to keep people in positions of power who are here to serve the will of all people,, not just selfish and opportunistic developers.

Sincerely,

John and Kari Coelho  
Horseman's Park Residents



Item #5546

**From:** [Steve Steinke](#)  
**To:** [Planning Commission](#)  
**Subject:** In File - Senior Living Proposal in North Scottsdale  
**Date:** Monday, October 21, 2019 2:54:17 PM

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**External Email: Please use caution if opening links or attachments!**

10/21/2019

TO: City of Scottsdale Planning Commission.

It's been a while, and yet it hasn't.

When on the Planning Commission in the early 2000's, I was so concerned about building types, sensitive lands development, and density issues east of Pima Road and north of Shea that I had to get a first-hand look at Silverleaf before considering any such development. It was eye-opening. And then there was the history with that project that preceded me.

The record during my two terms on the Commission might indicate an inconsistent vote here and there, but I considered my role as a steward for the generations yet to come who deserve a managed yet beautiful McDowell Mountain setting. To do that, it needed responsible oversight against overly dense and inappropriate development.

A maximum thirty-six foot height limit was particularly important to me. Still is. As are retaining the view and focus on land use and density.

I can understand why a developer might find the math easy for a quick return on a senior living opportunity right there in the foothills. Their argument is a no-brainer.

And yet, shouldn't those of us who have been, are, or will be charged as stewards of those precious remaining acres defend those very assets in the most responsible ways?

I simply ask the Commission to back away a bit from the stack of papers and items on the agenda in front of you. Far enough out of the moment to close your eyes and breathe in the air that a good steward might be grateful for. Hang on to the possibilities you embrace about that area.

Thank you all for service. Your responsibilities and your commitment are appreciated by more than you know. This guy for sure.

Steven D. Steinke  
Scottsdale, Arizona

ITEM # 546

**From:** [Matthew Foster](#)  
**To:** [Planning Commission](#)  
**Subject:** In File - Stop huge nursing home on McDowell Mountain Ranch Road  
**Date:** Monday, October 21, 2019 4:38:12 PM

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**External Email: Please use caution if opening links or attachments!**

Scottsdale Planning Commissioners:

I have been made aware of an attempt by a developer to change the zoning of property on the South side of McDowell Mountain Ranch Road to allow a large retirement home to be built. I live in a quiet neighborhood on the north side of McDowell Mountain Ranch Road, Horseman's Park, and moved here specifically because the surrounding area was zoned for single-family homes, not large buildings that will generate elevated traffic and noise.

I would like to request that you reject this proposal and keep the property in this area to single-family homes only!!!

Sincerely,

Matt Foster

9906 East Monte Cristo Ave

Scottsdale, AZ 85260

405-819-3641

Item No's 546  
From 10/21 - 10/22

**From:** [Dave Murrow](#)  
**To:** [Planning Commission](#)  
**Subject:** No dense residential in an ESLO area by Westworld  
**Date:** Monday, October 21, 2019 6:38:11 PM

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**External Email: Please use caution if opening links or attachments!**

Reject the plan - do not build dense residential in an ESLO area next to Westworld.

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Dave Murrow

<https://www.linkedin.com/in/davidmurrow/>

<http://twitter.com/dmurrow>

Item #<sup>15</sup> 546

**From:** [LISA HORNE](#)  
**To:** [Planning Commission](#)  
**Subject:** NO on Case 8-ZN-2019 and 5-AB-2019  
**Date:** Monday, October 21, 2019 10:48:14 PM

**External Email: Please use caution if opening links or attachments!**

Hello,

Please vote NO on both Case 8-ZN-2019 and 5-AB-2019.

There is already WAY TOO MUCH TRAFFIC on McDowell Mountain Ranch Road.

In the 13 years I have lived here it has gone from bad to worse. Residents in Horseman's Park used to have very little traffic. It was basically only special event traffic for Westworld. Then they started routing that traffic through Bell Road and 94th Street, so everything was great again.

Then Notre Dame High School started getting larger, and there is more traffic from the high school.

Then the townhomes on the corner of 98th Street and McDowell Mountain Ranch Road were built. They are not even fully completed or sold and traffic has already increased. Because of the townhomes, you changed the street layout and took away our dedicated right turn lane into the subdivision. It's like taking your life in your hands trying to turn right. People are about to run you over or are weaving back and forth between lanes to pass people turning. It is horrible and dangerous!

Do the right thing and VOTE UNANIMOUSLY TO STOP the building of this nursing home. You voted against it before. Just because the developer is coming back with tricks up his sleeve, including a former planning staffer turned lobbyist, does not mean you should reconsider. This is still a BAD IDEA!!!

The absolute last thing this small stretch of road needs is more cars. You should put a policeman on this road every day, because not one car drives the 30 mph speed limit.

Please VOTE NO on 8-ZN-2019 and 5-AB-2019.

Thank you!

Lisa Horne

A concerned Horseman's Park resident.



Item No's 546

**From:** [Mohan Kaadige](#)  
**To:** [Planning Commission](#)  
**Subject:** McDowell Mountain Ranch Road  
**Date:** Tuesday, October 22, 2019 6:29:21 AM

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**External Email: Please use caution if opening links or attachments!**

Hello,

I am a resident of Horseman Park Community. I kindly request you to NOT allow the developers to increase density on McDowell Mountain Ranch Road. This will not only increase the traffic but will disturb the serenity of the neighborhood.

Thank you.

Sincerely,  
Mohan Kaadige



Item #'s 546

**From:** [Jeffrey Lee DiNapoli](#)  
**To:** [Planning Commission](#)  
**Subject:** Senior Living Facility on McDowell Mountain Ranch Road  
**Date:** Tuesday, October 22, 2019 9:41:25 AM

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**External Email: Please use caution if opening links or attachments!**

Somehow Scottsdale has already become the nations leader "old folks homes". It is time to put an end to this madness. You are destroying our beautiful city and making us a laughing stock and punch line.

An angry Scottsdale resident of 21 years.  
Jeffrey Lee DiNapoli

Item #15 546

**From:** [Jen Perez](#)  
**To:** [Planning Commission](#)  
**Subject:** New  
**Date:** Tuesday, October 22, 2019 10:02:30 AM

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**External Email: Please use caution if opening links or attachments!**

Planning Commission:

I recently purchased a condo (Greythorn Condo) in MMR and directly across the street is where a 3 story - 200 unit nursing home is currently up contemplated and up for your review tomorrow.

**I 100% oppose the placement of such as the land is better utilized as open space and natural as it sits currently.**

The amount of activity in the area for West World and the equestrian center is adequate and the homes, condo's and apartments should not be subjected to the amount of additional traffic, ambulances and emergency response teams that this type of use would bring.

Please vote **no** to the request for a nursing home and deny this use.

Jennie Perez  
9850 E. McDowell Mountain Ranch Road  
Unit 1002  
Scottsdale, AZ 85260

Item #15 546

**From:** [Reena Pamarthi](#)  
**To:** [Planning Commission](#)  
**Subject:** McDowell Mountain Ranch Road  
**Date:** Tuesday, October 22, 2019 10:38:26 AM

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**External Email: Please use caution if opening links or attachments!**

Hello,

I am a resident of Horseman Park Community. I kindly request you to **NOT** allow the developers to increase density on McDowell Mountain Ranch Road. This will not only increase the traffic but will disturb the serenity of the neighborhood and nature.

There is so much of wild life in this neighborhood please, protect them / protect the Mother Nature.

Thank you.

Sincerely,  
Reena Pamarthi

ITEM #'S 5 & 6  
From 10/22 - 10/23

**From:** [Laura Burke](#)  
**To:** [Planning Commission](#)  
**Subject:** Frankenstein  
**Date:** Tuesday, October 22, 2019 4:15:21 PM

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External Email: Please use caution if opening links or attachments!

We don't need a 10 or 15 story buildings in the McDowell area, stick to 2 and 3 story buildings. Thank you, keep high rise buildings in there own area not residential areas.

Laura Olson

**From:** [Li Ko](#)  
**To:** [Planning Commission](#)  
**Subject:** No senior home next to westworld  
**Date:** Tuesday, October 22, 2019 7:44:17 PM

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**External Email: Please use caution if opening links or attachments!**

Dear commission,

Please do not place a retirement home near westworld. A small resort or mall with condos on top, like kierland would be a smarter choice.

Please be sure to leave a portion of that space for a park with trees.

Thank you

Lisa Ko



**From:** [justinschwab@yahoo.com](mailto:justinschwab@yahoo.com)  
**To:** [Planning Commission](#)  
**Subject:** Westworld soccer fields  
**Date:** Tuesday, October 22, 2019 8:14:17 PM

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External Email: Please use caution if opening links or attachments!

Good evening -

We are residents of Horseman's Park across from the soon to be developed parcels east of Westworld. We would like to voice our support to use the land for soccer fields and Westworld parking as opposed to a 3 story assisted living tower.

One thing that surprised us when moving to this area was the lack of parks and fields. Soccer fields would be a welcome addition for the residents of Horseman's Park, Trails North and McDowell Mountain Ranch as a whole.

Thank you -

Justin and Carissa Schwab  
Horseman's Park residents  
16251 N 98th Place

248-420-2931

**From:** [kentonker@gmail.com](mailto:kentonker@gmail.com)  
**To:** [Planning Commission](#)  
**Cc:** [michaelpleary@cox.net](mailto:michaelpleary@cox.net)  
**Subject:** Proposed Senior Living Project - McDowell Mt Ranch  
**Date:** Wednesday, October 23, 2019 5:28:25 AM

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**External Email: Please use caution if opening links or attachments!**

As a resident of McDowell Mt. Ranch, I am in favor of the Senior Living Project. I see no objection to it.

As a matter of fact, it has far more appeal to me than the development in progress, almost directly across the street on the NorthWest corner of McDowell Mt Ranch Rd & 98<sup>th</sup> Street

Any alternative which would result in significantly more traffic in the immediate area even 1 or 2 weeks a year would be extremely objectionable.

Ken Jonker  
10564 E. Raintree Dr.  
Scottsdale, AZ

480-513-0703

[KenJonker@gmail.com](mailto:KenJonker@gmail.com)  
[KenJonker@tams-data.com](mailto:KenJonker@tams-data.com)

**From:** [Celine Eckholdt](#)  
**To:** [Planning Commission](#)  
**Subject:** No To Nursing Home-McDowell Mountain Ranch  
**Date:** Wednesday, October 23, 2019 7:59:24 AM

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External Email: Please use caution if opening links or attachments!

Hello,

We hope this email finds you well.

We are residents of Horseman's Park at McDowell Mountain Ranch and we are opposing the petition to build a Senior Citizen Facility by Westworld.

The traffic will significantly increase.

Only single family homes or stores like Trader Joe's would be beneficial.

Thank you.

Best regards,  
Jason & Celine Eckholdt

Sent from my iPhone

**From:** [Kathy Mortenson](#)  
**To:** [Planning Commission](#)  
**Subject:** McDowell ranch area  
**Date:** Wednesday, October 23, 2019 8:00:22 AM

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**External Email: Please use caution if opening links or attachments!**

Please do not allow the developer to build a proposed 3 story 200 unit Senior living facility in the McDowell Mountain Ranch area by Westworld. The proposed area should be left pristine for all of us to enjoy. Please say NO.

Please.

You know that developers only care about making money and leave destruction and ugliness in their wake. They don't care about AZ precious land, preserves, scenery, views or people.

Scottsdale residents are counting on you to say No.

Sincerely,  
Kathy Mortenson

**From:** Lakshmana Rallapalli  
**To:** Planning Commission  
**Subject:** 8-ZN-2019 and 5-AB-2019  
**Date:** Wednesday, October 23, 2019 12:53:25 PM

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**External Email: Please use caution if opening links or attachments!**

Please do NOT approve this rezoning as the new 200 Unit nursing home complex will increase the traffic in this quite neighborhood.

Thank you,  
Lakshmana Rallapalli  
Resident of HorsemanPark

8-ZN-2019 (Senior Living at McDowell Mountain Ranch) Request by owner for a Zoning District Map Amendment from Single-family Residential, Planned Community District, Environmentally Sensitive Lands (R1-35 PCD ESL) to Commercial Office, Planned Community District, Environmentally Sensitive Lands (C-O PCD ESL) and Development Plan amendment on a +/-5-acre site located at 9875 & 9909 E. McDowell Mountain Ranch Rd (217-14-037A and 217-14-038A). Staff contact person is Doris McClay, 480-312-4214. Applicant contact person is Michael Leary, 480-991-1111.

5-AB-2019 (Senior Living at McDowell Mountain Ranch) Request to abandon the thirty-three (33) foot General Land Office Patent Easement (GLOPE) on the east side of parcel 217-14-037A, the thirty-three (33) foot General Land Office Patent Easement on the west side, the thirty-three (33) foot General Land Office Patent Easement on the south side and the thirteen (13) feet of the thirty-three (33) foot General Land Office Patent Easement on the east side, located on parcel 217-14-038A located at 9875 & 9909 E. McDowell Mountain Ranch Road. Staff contact person is Doris McClay, 480-312-4214. Applicant contact person is Michael Leary, 480-991-1111.



## McClay, Doris

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**From:** Curtis, Tim  
**Sent:** Tuesday, September 10, 2019 11:28 AM  
**To:** Betty Janik  
**Cc:** MichaelPLeary@cox.net; McClay, Doris  
**Subject:** RE: COGS SUPPORTS DEVELOPER ON 8-ZN-2019 Senior Living at McDowell Mountain Ranch

Ms. Janik,

Thank you for the correspondence. A point of clarification is that the proposed removal of ESL zoning overlay from the property is part of the 8-ZN-2019 zoning case, not the 5-AB-2019 abandonment case. Let us know if you have any questions.

Tim Curtis  
Director of Current Planning  
City of Scottsdale

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**From:** Betty Janik <cogs.scottsdale@gmail.com>  
**Sent:** Tuesday, September 10, 2019 9:13 AM  
**To:** City Manager Mailbox <citymanager@Scottsdaleaz.gov>; City Council <CityCouncil@scottsdaleaz.gov>; Planning Commission <Planningcommission@scottsdaleaz.gov>  
**Cc:** MichaelPLeary@cox.net  
**Subject:** COGS SUPPORTS DEVELOPER ON 8-ZN-2019 Senior Living at McDowell Mountain Ranch

 **External Email: Please use caution if opening links or attachments!**



### **COGS position on 8-ZN-2019 Senior Living at McDowell Mountain Ranch Cases 8- ZN-2019 and 5-AB-2019**

September 10, 2019

TO: Mayor Lane, City Council, City Manager, and Planning Commission

**COGS supports the position of the developer that they should NOT be required to provide access to the State Trust Land to the south of Case 8-ZN-2019**

- That parcel can be accessed from Thompson Peak Parkway, which should be the access to that land. This is especially true if the city intends to buy it and use it for a combination of sports fields and for additional event parking for West World.
- Access off Thompson Peak Parkway already exists to gain access to existing city owned assets, including fields, on the east side of Thompson Peak Parkway
- Access to this state land would be a natural extension of the existing access.
- The city no longer requires special access across the subject property.

COGS does NOT support removing it from the ESL overlay in Case 5-AB-2019

To do so would set a very bad precedent and the need to remove it from the overlay goes away when the city's request for access to the state land goes away.

We would hope that reason would prevail and the city will remove any requirement to provide access to the state trust land through the subject property and also not grant removal of the subject property from the ESL overlay..

Coalition of Greater Scottsdale Board of Directors

Betty Janik, President

8924 E. Pinnacle Peak Road Suite G-5 PMB 518

Scottsdale, AZ 85255

[www.COGSAZ.net](http://www.COGSAZ.net)

September 20, 2019

Paul Alessio  
Chairman  
Scottsdale Planning Commission  
3939 Drinkwater Boulevard  
Scottsdale, AZ 85251

Dear Chairman Alessio:

We are disappointed and extremely concerned at an item that has quietly made its way onto your agenda. It has to do with jeopardizing the City's and taxpayer investments in WestWorld with a proposal to put residential use on a 5-acre parcel on McDowell Mountain Ranch Road, at the east entrance to WestWorld.

As the three signature users of WestWorld that collectively have spent tens of millions of dollars to help drive Scottsdale tourism, we cannot understand the policy of supporting residential uses near one of City's key areas of commerce. The more residential there is near WestWorld, the more complaints there are about noise, traffic and, in the case of equestrian events, odor. We have evidence of that as the result of one of the City's regrettable zoning decisions years ago allowing a large residential development at the northern tip of WestWorld on Bell Road. Why would it want to repeat such a mistake now?

We are not opposed to rezonings in the area. For example, last year another parcel on McDowell Mountain Ranch Road was approved for a storage facility. Such a place will obviously not be full of residents who may complain.

If this is not sufficient policy rationale to deny or delay this request – one the applicant has not had the courtesy to reach out to us about – here is another. This appears to be the first private-sector development in Scottsdale's history that would be exempt from the city's ESLO ordinance. Allowing this would lead to many more owners asking for removal of their property from ESL.


The decision to designate plans as ESL was an important community wide effort and any removal of property from ESL deserves extensive public input. Disturbingly, we have discovered inconsistencies within their formal application with the City that causes concern for us and the neighboring communities. In their public notice to Neighboring Property Owners and Interested Parties that was sent on April 26, 2019, the applicant states their request for a change in zoning from R1-35 PCD ESL (Single-family Residential within a Planned Community District in Environmentally Sensitive Lands) to C-O PC ESL (Commercial Office within a Planned Community District in Environmentally Sensitive Lands). But within the submitted application with the City the applicant has *removed* the ESL component in their rezoning request. This has prevented a community from weighing in regarding this important policy decision to remove lands from ESL. Additional community outreach is required to adequately inform the

surrounding property owners that have abided by the current zoning requirements. At a minimum, the applicant should be required to re-notice their case to inform the public of this dramatic precedent-setting request. Please delay your decision to allow this to occur.

We ask this application be denied for the foregoing reasons, or, at a minimum, to be postponed so both we and the City can properly evaluate a proposal that has far more implications than what has been conveyed to you to date.

Sincerely,

  
Craig Jackson  
CEO, Barrett-Jackson Auction Company

  
Taryl O'Shea  
Scottsdale Arabian Horse Show

  
Doug Huls  
Scottsdale Quarterhorse Show

cc: Mayor Jim Lane, [jlane@scottsdaleaz.gov](mailto:jlane@scottsdaleaz.gov)  
Vice Mayor Linda Milhaven, [lmilhaven@scottsdaleaz.gov](mailto:lmilhaven@scottsdaleaz.gov)  
Councilwoman Suzanne Klapp, [sklapp@scottsdaleaz.gov](mailto:sklapp@scottsdaleaz.gov)  
Councilwoman Virginia Korte, [vkorte@scottsdaleaz.gov](mailto:vkorte@scottsdaleaz.gov)  
Councilwoman Kathy Littlefield, [klittlefield@scottsdaleaz.gov](mailto:klittlefield@scottsdaleaz.gov)  
Councilman Guy Phillips, [gphillips@scottsdaleaz.gov](mailto:gphillips@scottsdaleaz.gov)  
Councilwoman Solange Whitehead, [SWhitehead@Scottsdaleaz.gov](mailto:SWhitehead@Scottsdaleaz.gov)  
City Manager Jim Thompson, [JThompson@scottsdaleaz.gov](mailto:JThompson@scottsdaleaz.gov)  
Planning Director Randy Grant, [rgrant@ScottsdaleAZ.gov](mailto:rgrant@ScottsdaleAZ.gov)

Planning Commission Vice Chair Prescott Smith  
Commissioner Kevin Bollinger  
Commissioner Ali Fakih  
Commissioner Renee Higgs  
Commissioner Larry Kush  
Commissioner Christian Serena



## McClay, Doris

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**From:** Ruenger, Jeffrey  
**Sent:** Friday, September 27, 2019 2:43 PM  
**To:** McClay, Doris; Acevedo, Alex  
**Subject:** FW: Concern for Housing Project at Thompson Peak and McDowell Mountain Ranch  
**Attachments:** Westworld\_5\_AB\_2019.pdf

**From:** Jason Alexander <jason.alexander.az@gmail.com>  
**Sent:** Monday, September 23, 2019 11:59 PM  
**To:** Planning Commission <Planningcommission@scottsdaleaz.gov>; City Council <CityCouncil@scottsdaleaz.gov>  
**Subject:** Concern for Housing Project at Thompson Peak and McDowell Mountain Ranch

**⚠ External Email: Please use caution if opening links or attachments!**

I recently learned that the proposed housing project at the corner of Thompson Peak Parkway and McDowell Mtn Ranch Road wants to waive their Environmentally Sensitive Lands Overlay designation. This is new information, that was not part of their April open house. The request changed in their actual application to the City. I've read this will be the first private development in Scottsdale to be exempt from the ESLO designation? This is very bad policy. And as a neighbor, it pierces the buffer zones that make living adjacent to Westworld surprisingly low-impact on the residents. I expressed concerns months ago to the Developers via Nextdoor about added height, not adding additional walkways to support expected pedestrian traffic, a residential area on a bad curve. I know that street extremely well as a nearby driver, dog-runner and cyclist. When Westworld is busy, that road is a chore for the few residents living along it. Its not a good mix of uses having a residential project so close to a tourism hub. Residents will chafe at the sports field and truck parking down in the drainage basin, and the Westworld trailhead which frequently produces a lot of dust clouds from the horse tracks.

The attached letter from some of the marquee Westworld users is spot-on. Some will howl this favors Jackson and the Tourism community. The alternative is a developer who wants height, density, lighting and use exemptions that don't work for the neighbors on each side - residents and Westworld. And sets an unacceptable precedent. A General Plan would solve questions like this, and I hope we work towards it after the bond election in November.

Thank you.  
Jason Alexander



## McClay, Doris

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**From:** Ruenger, Jeffrey  
**Sent:** Friday, September 27, 2019 2:43 PM  
**To:** McClay, Doris; Acevedo, Alex  
**Subject:** FW: ESLO change to MMR senior living facility

**From:** John Dietel <jpd480@cox.net>  
**Sent:** Tuesday, September 24, 2019 5:33 PM  
**To:** Planning Commission <Planningcommission@scottsdaleaz.gov>  
**Cc:** City Council <CityCouncil@scottsdaleaz.gov>  
**Subject:** ESLO change to MMR senior living facility

**⚠ External Email: Please use caution if opening links or attachments!**

I recently learned that the owner/developer of this proposed facility in MMR is trying to sneak in a change at the last minute allowing a waiver of ESLO requirements. I would imagine this is to solely save money on their end and unfortunately most likely reflects how they will treat residents too. I am sick and tired of wealthy people trying to subvert the rules and government tacitly allowing it. You should hold yourselves and those who want to live in do business in the city accountable and do the right thing which seems to be just lip service these days. As a MMR resident, this is probably something that won't affect me directly, but that doesn't mean it isn't right, and voter apathy isn't right either, which is why I took the time to write you this message and hope you hold them accountable to their original plans that were shared with the local community in good faith.

Regards,

John Dietel

## McClay, Doris

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**From:** Castro, Lorraine  
**Sent:** Wednesday, September 25, 2019 10:05 AM  
**To:** McClay, Doris  
**Subject:** FW: Planning Commission Public Comment (response #149)

**From:** Planning Commission <Planningcommission@scottsdaleaz.gov>  
**Sent:** Wednesday, September 25, 2019 9:39 AM  
**To:** Castro, Lorraine <Lcastro@scottsdaleaz.gov>  
**Subject:** Planning Commission Public Comment (response #149)

## Planning Commission Public Comment (response #149)

### Survey Information

Site:	ScottsdaleAZ.gov
Page Title:	Planning Commission Public Comment
URL:	<a href="https://www.scottsdaleaz.gov/boards/planning-commission/public-comment">https://www.scottsdaleaz.gov/boards/planning-commission/public-comment</a>
Submission Time/Date:	9/25/2019 9:38:23 AM

### Survey Response

<b>AGENDA ITEM</b>	
What agenda item are you commenting on?	4. 8-ZN-2019 (Senior Living at McDowell Mountain R
<b>COMMENT</b>	
Comment:	<p>I am concerned about a project coming to light at the east entrance to WestWorld, referring to the request to build a 5-acre residential development there. WestWorld is too valuable of an asset to our tourism industry and as a revenue stream for the city to allow residential encroachment that might threaten its effectiveness. I hope you will continue to recognize the importance of WestWorld as you consider this request. And ultimately, I hope you will deny it. Thanks for your consideration. With respect, Don Henninger Executive director, SCOTT</p>

Comments are limited to 8,000 characters and may be cut and pasted from another source.

**PLEASE PROVIDE YOUR NAME:**

First & Last Name:	Don Henninger
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**AND ONE OR MORE OF THE FOLLOWING ITEMS:**

Email:	<a href="mailto:donh@scottsdale.com">donh@scottsdale.com</a>
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Phone:	(480) 650-2025
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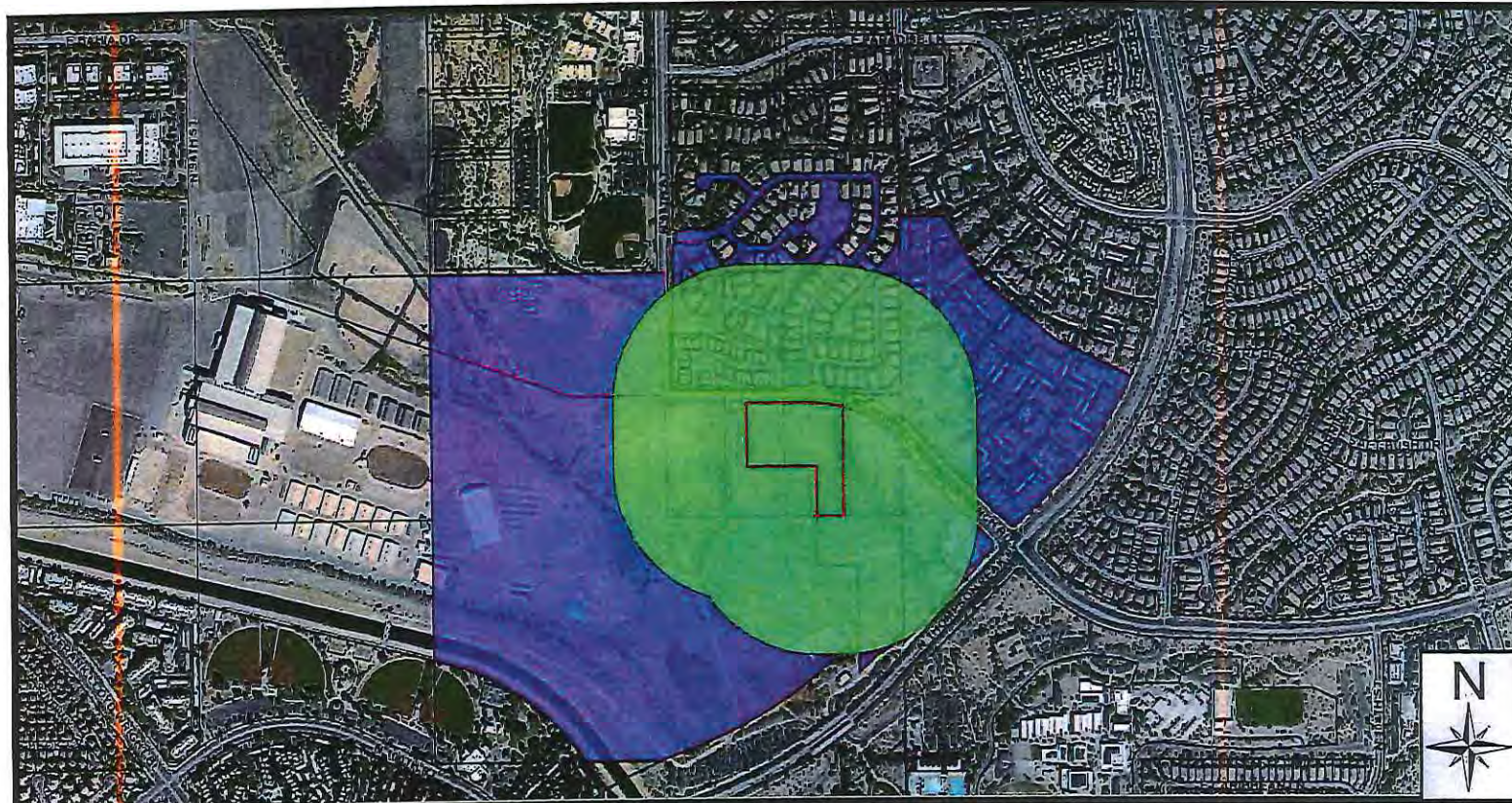
Address:	8202 E. Del Camino Dr., Scottsdale, 85258
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Example: 3939 N. Drinkwater Blvd, Scottsdale 85251



# City Notifications – Mailing List Selection Map

## Senior Living at McDowell Mountain Ranch



### Additional Notifications:

Interested Parties List  
 Adjacent HOA's  
 P&Z E-Newsletter  
 Facebook  
 Twitter  
 Nextdoor.com  
 City Website-Projects in the hearing process

Pulled Labels  
 August 15, 2019

### Map Legend:



Site Boundary



Properties within 750-feet

Postcards: 157

8-ZN-2019 & 5-AB-2019